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ABSTRACT

Dealing predominantly with issues related to divorce and custody, this conference proceedings contains 20 papers or summaries; they are: (1) "Choices, Challenges, Changes" (Constance Ahrons); (2) "The History of the Joint Custody Movement" (Karen DeCrow); (3) "Children Held Hostage: Dealing with Programmed and Brainwashed Children" (Stanley Clawar and Brynne Rivlin); (4) "The Factor That Best Predicts How Much Financial Child Support Will Be Paid Is How Much the Parent Who Owes It Feels That S/He Shares Control Over the Child's Upbringing" (Sanford Braver); (5) "The Identification and Investigation of 'Doubtful' or 'False' Allegations" (Kathleen Sternberg, Irit Hershkowitz, and Michael Lamb); (6) "Classes on Parenting for Parents of Separation and Divorce" (Kathryn Gibson); (7) "The Primary Caretaker Theory: Backsliding to the 'Tender Years' Doctrine" (Ron Henry); (8) "Positive Approaches to Family Formation and Preservation" (Laurie Casey); (9) "How To Work with Legislatures" (Cindy Ewing); (10) "Families Apart: 10 Keys to Successful Co-Parenting" (Melinda Blau); (11) "Winning Strategies in Child Custody Litigation: Assisting Your Client To Navigate Past the Shoals of a Child Custody Evaluation" (Michael Oddenino); (12) "CRC Model Child Support Guideline" (Donald Bieniewicz); (13) "Court-ordered Mediation: Keys to Success" (Marie Hill and Evelyn Wallace); (14) "Working with the Media" (Eric Anderson and David Dinn); (15) "How To Work with Courts and Commissions" (Harvey Walden); (16) "International Policy Developments in Financial Child Support and Custody Law" (Kenneth Skilling); (17) "How To Communicate Productively with Your Former Spouse" (Kris Kline); (18) "Networked Parents: Using Electronic Networks for Information, Advocacy, and Moral Support" (Anna Keller); (19) "Parent Action: A National Association for Parents" (Bernice Weissbourd); and (20) "Aggression and Violence" (John Bauserman). (TJQ)

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Presentations at CRC's Eighth National Conference

"The Year of the Family"

Holiday Inn
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The Children's Rights Council is a non-profit organization working to strengthen families and assist children of separation and divorce

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Table of Contents

Welcome from David L. Levy, Esquire, President, CRC 2

1. Choices, Challenges, Changes
Constance Ahrons, Ph.D. 4

2. The History of the Joint Custody Movement
Karen DeCrow, Esquire 7

3. Children Held Hostage: Dealing with Programmed and Brainwashed Children
Stanley S. Clawar and Brynne V. Rivlin 8

4. The Factor That Best Predicts How Much Financial Child Support Will Be Paid is How Much The Parent Who Owes it Feels That s/he Shares Control Over the Child's Upbringing
Sanford Braver, Ph.D. 10

5. The Identification and Investigation of "Doubtful" or "False" Allegations
Kathleen J. Sternberg, Irit Hershkowitz, & Michael E. Lamb. 11

6. Classes on Parenting for Parents of Separation and Divorce
Kathryn Gibson 12

7. The Primary Caretaker Theory: Backsliding To The "Tender Years" Doctrine
Ron Henry, Esquire 14

8. Positive Approaches to Family Formation and Preservation
Laurie A. Casey 18

9. How to Work with the Legislatures
Cindy Ewing (formerly Lewis) 20

10. Families Apart: 10 Keys to Successful Co-Parenting
Melinda Blau 21

11. Winning Strategies in Child Custody Litigation: Assisting Your Client to Navigate Past the Shoals of a Child Custody Evaluation
Michael L. Oddenino, Esquire 22

12. CRC Model Child Support Guideline
Donald J. Bieniewicz 26

13. Court-ordered Mediation: Keys to Success
Marie Hill and Evelyn M. Wallace, M.S.W. 27

14. Working With The Media
Eric Anderson and David Dinn 28

15. How to Work with Courts and Commissions
Harvey Walden. 29

16. International Policy Developments in Financial Child Support and Custody Law
Kenneth H. Skilling 30

17. How to Communicate Productively with Your Former Spouse
Kris Kline 32

18. Networked Parents: *Using Electronic Networks for Information, Advocacy, and Moral Support*
Anna Keller. 34

19. Parent Action: A National Association for Parents
Bernice Weissbourd 35

20. Aggression and Violence
John L. Bauserman 36

Welcome from David L. Levy, Esquire President, CRC

Welcome to the Children's Rights Council's 8th national conference. In keeping with the United Nations declaration, the theme of this year's conference is "The Year of the Family." Increasingly, researchers are finding that children do better when they have two parents and four grandparents.

"Many single parents do an admirable job of raising children, often under adverse circumstances. But the evidence is clear. On the whole, the two-parent home is the best model for childrearing, and for overall society well-being."

This is one of the findings in *Families First*, a report of the National Commission on America's Urban Families, issued in January, 1993. This bi-partisan commission, named by former President Bush, was chaired by John Ashcroft, former governor of Missouri, and Annette Straus, co-chair, former mayor of Dallas, Texas.

"The family unit in America is weakening," the report noted. "Child well-being is declining. A generation ago, an American child could reasonably expect to grow up with a mother and a father. Today, an American child can reasonably expect not to."

The Urban Commission's intensive review of the research, literature, examination of the conditions of families and programs, and consideration of testimony from citizens and experts from across the country led them to conclude that "Many of the most pressing problems of our cities, and of our nation, are substantially attributable to the dissolution of the family."

This conclusion echoed the findings of the National Commission on Children, chaired by Senator John J. Rockefeller (D-WV), which issued its report in 1992. But whereas the Rockefeller Commission said that America needs to encourage two-parent families, its **recommendations** were often more single-parent policies, such as increasing financial child support compliance, without understanding that children of divorce need fathers and mothers and grandparents as much as they need money.

In the Urban Commission report, the language of both the findings and recommendations were more strongly aimed at strengthening the two-parent family. The Urban Commission proposed a "new strategy to help reverse the current trend of family disintegration and increase the proportion of the children who grow up in two parent families."

Programs Recommended

The Commission recommended programs to empower the family, strengthen marriage, strengthen the relationship between parents and children, build community support for families, and change the nation's culture to give families priority.

Some of the specific recommendations:

- eliminate the marriage penalty in the tax code;
- increase the personal exemption for dependent children;
- reform welfare by limiting most benefits to two years;
- require parental responsibility by conditioning AFDC on children attending school, by parents taking parenting classes, families participating in preventive health care programs;
- open public housing to more low-income, two parent families;
- promote family formation through better marital preparation;
- institute waiting periods for divorces involving children, perhaps coupled with counseling or marital education;
- offer more parenting education;
- identify the father of every child born in the U.S.;
- strengthen the child support system;
- encourage courts to consider which parent is more likely to allow the other parent to maintain an ongoing relationship with the children;
- foster parenting skills;
- create an Index of Family Strengths, under which the Census Bureau would report each year on the percentage of the following: adults married, first marriages intact, births to married parents, children living with their married parents, children living with two married parents.

Each year in America, there are about two million marriages, and about one million divorces, affecting about one million children. Another one million children are born out of wedlock each year. The numbers are staggering and the effects alarming, as the courts, social welfare agencies, and society become overwhelmed by children and families in distress.

Loss of Parenting

The economics of divorce are well-known. Not so well known or appreciated is the loss of parenting. The courts and legislatures operate on a win-lose principle. The parent who is considered to have contributed 51% or more of the parenting is designated the "custodial parent," while the parent who contributed 49% or less of the parenting (in 85% of the cases the father) is reduced to an occasional "visitor" in his own child's life.

He is awarded visitation rights every other weekend and two weeks in the summer. Who among you would be satisfied to be with your children on such an irregular basis? And even that meager portion is in danger if the custodial parent is not interested in preserving the child-parent bond, or worse, vengeful.

Divorce often produces anger, upset, disappointment and rage. What better weapon than the children to vent your anger upon the other spouse, unless there are incentives to cooperate such as mediation and conciliation, parenting classes, and shared parenting.

Judge David Gray Ross, America's top child support boss, said in a statement the day he was sworn into his job (January 24, 1994), that "The adjudication of paternity and the imposition and collection of child support gives both parents the opportunity to be involved in the lives of their children. Children need and deserve two parents, four grandparents, and extended families. From close observation these past 28 years (mostly as a judge), I am convinced that 'where the pocketbook is, there the heart shall be also.' To that end, everything we do must be done in the interest of our children."

In Africa, there is a saying that "it takes a whole village to raise a child." In America, we have children raising children!

Working for an improvement in parenting is what CRC, and all of you at this conference, are working towards. Also, many of the ideas espoused by CRC are contained in the CRC book entitled "The Best Parent is Both Parents" (1993), available from CRC and bookstores.

Thank you, and may we all do more for children in the coming years.

1. Choices, Challenges, Changes

Constance Ahrons, Ph.D.

Santa Monica, CA, professor of sociology and associate director of the Marriage and Family Program, USC, Los Angeles, and author of the book titled The Good Divorce *(publication date Sept. 1994) and co-author,* Divorced Families, *(1989).*

The average American family of today is not the same as the average family a generation ago. But then again our society today is not the society of a generation ago either.

Anxieties about whether "the family" will survive have been debated for at least 150 years, and the breakdown of the family has been cited as the cause of almost every major social problem. What results from these analyses is a picture of the family in a constant state of crisis, a crisis which is threatening the basic foundation of the family. It is true that "the family," the one we hold as our popular image, the traditional nuclear family of breadwinner father, full-time homemaker mother and their dependent children, that family is no longer prevalent. Actually it is becoming rather extinct. But replacing "the family" are new, varied and complex structures which indeed do function as families.

Rather than being alarmed at the loss of an outdated illusion of family, I believe we need to commend families for being incredibly adaptive to the new conditions created by a rapidly changing social context. Individuals today are making choices, and meeting the challenges that a rapidly changing society requires.

The single most important causal factor of the high divorce rate may be our increased life expectancy. When our life was shorter, there was barely enough time to live our adult life with one compatible mate. A century ago the average length of married life was a little over 30 years; now, if not dissolved by divorce, the average length of married life is 45 years. With increased life span we have the time and resources to make personal changes which affect our whole sense of being. When people could expect to live only a few more months or perhaps years, in an ungratifying relationship, they would usually resign themselves to living with it. But the thought of 20, 30 or even 40 more years in a bad relationship can cause decisive action at any age. Whereas at the turn of the century, the average couple could expect to live only a year of two beyond the time when the last of their children left home, today, 15 to 30 years of empty-nest marriage is becoming the norm. The average couple who remain married can now expect to spend more years after parenting than during.

A second major societal change that has clearly impacted the divorce rate is the increasing economic equality and independence of women, and their return in large numbers to the workplace. The proportion of women 16 and over in the labor force was 56% in 1988 compared with 38% in 1960. Projections from the Department of Labor indicate that about 60% of women, compared with 75% of men, will be in the work force by 1995. About 80% of divorced mothers are in the work force now.

When the traditionalists bemoan the demise of "the family," they are referring to the nuclear family, and blame for the collapse of one of America's most treasured institutions is usually placed on women. Our current concerns over child-care are seen as women's problems. Working mothers are labeled the cause for a number of society's current social problems, such as problems associated with latchkey children, drugs, and delinquency. I have rarely heard anyone talk about the problem of working fathers. Nor do I hear proposals for a "daddy track." Women still carry major responsibilities for home and family, even when they are sharing equally in the economic support. Arlie Hochchilds recent book, *Second Shift*, documents this and with it, the accompanying stress experienced by women in dual earner families.

Traditionalist's Answer

The traditionalist's answer to this is a plea for a return to the family of yesteryear where children are cared for by full-time mothers. Not only do economics prohibit that solution but history has taught us that it is detrimental to women on a number of different levels. When I was growing up, my mother and the society in which I lived, groomed me for marriage. But I was warned that I should be prepared to work in case of emergency, which was defined narrowly as the possible death of my husband. Today we need to tell young women who are planning to be married homemakers, that they are taking a big economic risk if they put all their eggs in their husband's financial basket.

The picture is clear. If women are going to be the major nurturers and child care givers, and sacrifice their own earnings for some period of time for the good of the family, then they need to be protected. They need to have an agreement about how they will be reimbursed for those efforts in the event of divorce, and the likelihood of that occurring is 50% or greater. If not, a woman may find herself at age 45 or 50, divorced, in need of supporting herself, at a far lower income than she would have had she stayed in the workforce, and with inadequate retirement benefits, and other important fringe benefits such as health care. Ask any displaced homemaker and she will tell you the sad tale of her lowered economic status. One finding that is clear from the divorce data is that women and children are economically poorer after divorce. Sociologist Andrew Cherlin notes that we are experiencing what he calls the "feminization of kinship." Demographers note a drastic decline in the average numbers of years that men live in households with young children. Women are the caretakers of children and the

elderly. And in divorce, women usually retain custody; and in remarriage families, stepmothers often assume major child care responsibilities. Women continue to be the kin-keeper of the family.

Why is it that, even though it is clear that divorce is statistically normal, that according to demographer Paul Glick, about one-half of all the marriages of persons now in their thirties are likely to end in divorce, including those that have already done so, and that, of the marriages that take place this year at least half will be remarriages. That is, in at least half of the new marriages one or both partners will have experienced a divorce. Why is it that we still view divorce as deviant? Why do we still glorify the so-called "intact family," still continue to label divorced families as "broken," and "incomplete"? Glick and other demographers and futurologists tell us, that, although divorce may level off due to certain social conditions, such as growing concern about AIDS and current economic concerns, the conditions that cause divorce remain the same and divorce is likely to stay at a very high level.

If we are looking for which family will predominate in the 21st century, it is clearly the post divorce binuclear family — the family that spans two or more households but whose kinship bonds are not severed by marital disruption. Stepfamily households, whether legally married or not, are quickly outnumbering nuclear family households. So why then do we persist in trying to preserve the 1950's edition of the modern American family? It is interesting, even paradoxical, that even though we now handle divorce legally as an administrative action, having removed the moral overtones of providing just cause, we still view divorce as deviant, as the cause of many of society's ills. Divorce has become the scapegoat, the easy sacrificial institution on which to lay blame for many of society's problems.

Margaret Mead's Views

Why not also praise the person who may have had three long-term intimate relationships in a lifetime, much as Anthropologist Margaret Mead suggested many years ago as a reasonable approach to the institution of marriage. In an interview a few years before her death, Mead was asked to comment on her "failed" marriages. She quickly reacted, that she had been married three times, and that all three marriages were successful, and entirely appropriate to her distinct developmental life stages. But there is both good news and bad news about this now prevalent family form post divorce families. The good news is that about half of those who divorce seem to be reorganizing their families into healthy functional binuclear families. The bad news is that about 50% reorganize into dysfunctional relationship systems. With no comparable data I am left wondering: Are nuclear families faring any better? The negative aspects of divorce have received the most attention. It is not surprising, with our emphasis on marriage, that we tend to view the disruption of it as negative. Most of the research, therefore, has been problem focused, reporting adverse effects on parents and children.

So, I will start with the good news. I define a healthy post divorce family by the continuation of kinship ties, that is, the continued involvement of both parents in the child's life accompanied by a mutually supportive relationship between the divorced parents. Methodological questions aside, the divorce research is fairly consistent on this finding. Even the findings of Judith Wallerstein's clinical study of 60 Marin County families who sought intervention, found that 46% of the children showed no psychological damage. But because the Wallerstein study presents divorce as unmitigated disaster, the negative results are highlighted and the positive ones are often overlooked.

In my own longitudinal study, which I began in 1978, with the support of NIMH and the University of Wisconsin, we interviewed both ex-spouses in 98 divorced families, all with minor children. The purpose of the study was to explore how families, ordinary everyday families, reorganized themselves after divorce. We interviewed them at three different intervals, at one year after their legal divorce and then again at three and five years. By five years post divorce the majority had remarried, and as you can imagine, family relationships had become very complex. But it was very clear that although divorce severed the bonds of marriage it did not, for the most part, sever the bonds of family.

Several years ago, enroute to present these new data at a workshop, I stopped for a brief visit with my daughters on the East Coast. As I excitedly told them about my research and the four groups that I had identified, they flinched at my multi-syllabic psychobabbic jargon, and coined four catchy, alliterative nicknames which I think sum up the quality of these relationship styles very accurately. My daughter's constant insistence on my replacing social science jargon with good plain language and reminding me of the children's perspective on divorce has greatly enhanced my work.

"Perfect Pals"

Starting at one end of the continuum there are the "perfect pals" a small group of divorced spouses whose failed marriage has not overshadowed a long-standing friendship. They share decision-making and childrearing, with many stating they are even better parents after the divorce then they were in the marriage. They spend holidays together and keep relationships with each other's extended families. Generally, these couples shared mutually in the decision to divorce. They may not have made the decision simultaneously but neither partner feels abandoned by the other, while both respect each as people and responsible parents. Though they were angry at times during the separation, and still occasionally have conflicts, there is a genuine fondness between them and they try to accommodate each other. Although they were unwilling to compromise themselves to stay in an unsatisfying marriage, they were willing to compromise in the divorce. Couples who remained "perfect

pals" over the five years did not remarry and shared custody both legally and physically.

"Cooperative Colleagues"

The second group, "cooperative colleagues" were a considerably larger, more typical group. Though not good friends, they work very well together on issues concerning their children. They can also talk amicably about other family members, mothers, brothers, or mutual friends. They do have conflict, but they manage it well, and can separate their conflicts as spouses from their responsibilities as parents. Nevertheless, for many of these couples, learning to accept the divorce without punishing the spouse through the children was not easy. They did fight about parenting. There were ups and downs in arrangements, but they could manage to put their children's welfare first. They clearly accept their joint responsibility as adults and parents, and maintain a united front as far as their children are concerned.

"Angry Associates"

And now for the bad news. The third group along this continuum ranging from very friendly to very angry are the "angry associates." Probably the term co-parenting is less applicable to the angry associates. There is less integration in their approach to the children, making it more of a parallel process than the integrated kind found in the previous two types. Interestingly enough, the level of conflict was not very different for the cooperative colleagues and angry associates; the difference was in ways they coped with their conflict. Angry associates were unable to separate out parental issues from spousal angers and hence, when they had a disagreement about the kids, it usually ended up in a full-blown argument bringing up all the unresolved marital anger.

"Fiery Foes"

The fourth group are the "fiery foes." These couples feel nothing but fury for the ex-spouses and they have no capacity for co-parenting. Their divorces tend to be highly litigious, with legal fights continuing many years after the decree is signed. They are either "leavers" or "lefts" "good guys" or "bad guys," and can remember no good times in the marriage, clinging only to their sense of outrage. Even many years after the divorce, they cannot accept each other's parenting rights; for these ex-spouses the parents are the enemy.

"Dissolved Duos"

There is a fifth group, the "dissolved duos." They didn't appear in my study because we only interviewed couples where both parents had at least some minimal contact with the children at one year after the divorce. But the dissolved duos are ex-spouses who discontinue any contact with each other. For some people the only way they can cope with a divorce is by totally withdrawing, leaving the remaining spouse to handle the situation. These people who totally cut off relationships are the one true post divorce "single parent family," a family in which the former spouse is completely absent, except in memories and fantasies.

An important developmental rite of passage in a child's life, such as high school graduation, provides a good illustration of how these differing patterns may influence the nature of that event for parents and children. The perfect pals would plan festivities to celebrate the graduation together as a family unit. They might plan a lunch or dinner together, sit together at the graduation, and perhaps even give their son or daughter a gift. The cooperative colleagues would be less likely to plan the festivities together, but both would attend them. Perhaps mother would plan a dinner and ask father to join them. They might sit together at the graduation, but interactions would be more strained and formal.

The angry associates would celebrate separately with the child, perhaps one taking the child to dinner the evening before and one having lunch after the ceremonies. They would sit separately at the ceremonies and avoid contact with each other as much as possible. It is very likely that in the fiery foes one parent would be excluded from the celebrations surrounding the event and even not be invited to the graduation. The excluded parent would be aware of the event and feel angry and hurt for being left out. In the dissolved duos the non-custodial parent would probably not even be aware that his or her child was graduating and, if her or she was aware, would not acknowledge it in any way.

In a structural sense, all these groups form binuclear families. In the same way as we define nuclear families to be so-called "intact" families because they live in one household, the binuclear family resides in two (and if multiple marriages even three or four households), neither term denotes anything about quality of relationships. These types are not static nor are they discrete: couples can and do change over time. In our book *Divorced Families* we describe each type in more detail, tracking them through the transitions of separation, divorce and remarriage, discussing changes over time, and discussing differences within developmental life stages. A mid-life divorce differs from a divorce in the early child-rearing years which differs from a divorce in a childless couple. The good news is that, for many couples, the anger subsides somewhat and parents learn to cooperate better over time. The bad news is that some, especially those who fit the fiery foe typology, were just as angry five years post divorce as they were when we first interviewed them.

For the post divorce family the "cooperative colleagues" appear to be the role models for healthy functioning binuclear families. The "perfect pals" appear to be well functioning systems as well, but they form only a small percentage of divorced families. It is important that we not assume all divorced families are one way or another just as

we cannot assume that about nuclear families. Because of our focus on pathology however, we have tended to lump divorced families in the category of dysfunctional, and carelessly make the equally false assumption that nuclear families are all better adjusted.

For at least a decade now I have consistently spoken out for the normalization of divorced families, and in so doing some people have accused me of promoting divorce, and being anti-family. I am clearly pro-family. I am very excited and encouraged about what is happening to families today. Contemporary family arrangements are diverse, fluid and unresolved. No longer is there a single culturally dominant family pattern to which the majority of Americans conform and most of the rest aspire.

There are choices today and many challenges yet to be met within a rapidly changing society. Divorce, as law professor Margaret Melli has suggested, is a safety valve for marriage. Living in a traditional nuclear family is but one choice, and a suitable one for a relatively small segment of the population. People can opt for dual earner families, which currently appears to be the 1990s modern family. They can choose serial monogamy and live in binuclear families. They can be single with a child and be a family. There are gay and lesbian families. And even a group of people who choose to live together, and consider themselves family, can function as a family unit.

I happen to think it is a healthy sign for society, a sign that families are incredibly adaptable, that options are available and as we move into the 21st century as a very diverse nation, with one-third of the population being people of color, we will have very diverse family forms.

2. The History of the Joint Custody Movement

Karen DeCrow, Esquire
Former President (1974-77), The National Organization for Women, Jamesville, New York

At the CRC Conference, I will share my experiences — political and legal — of trying to include shared parenting as an important part of the gender equality I have been working for over a period of 27 years. I first supported joint custody as a legislative measure in the spring of 1982. It has been an important feminist priority of mine since that time.

3. Children Held Hostage: Dealing with Programmed and Brainwashed Children

Stanley S. Clawar and Brynne V. Rivlin

Bryn Mawr, PA. Co-authors of a book by this title, which was published by the American Bar Association's Family Law Section (1991)

Definitions of Programming and Brainwashing

I. **Definition of Terms:**

A. **Programming:** Programming is the formulation of a set or sets of directions based on a specific or general belief system directed toward another (target) in order to obtain some desire and/or goal. The programming may be willful (conscious) or unintentional (unconscious). Effective programming by one parent often causes the child to operate against the "target" parent. The intent of the programmer is to control the child's thoughts and/or behavior. The programme often contains themes designed to damage the child's image of the target parent in terms of his or her moral, physical, intellectual, social, emotional, and educational qualities (as well as his or her parenting techniques).

B. **Brainwashing:** Brainwashing is the selection and application of particular techniques, procedures, and methods employed as a basis for inculcating the programme. Brainwashing is a process that occurs over a period of time and usually involves the repetition of the programme (content, themes, beliefs) until the subject responds with (attitudinal, behavioral) compliance. Brainwashing techniques may be applied singularly or in combination. There may be one or more people involved in the brainwashing process. Techniques may vary over time. Rewards for compliance also may vary from material rewards to social/psychological rewards.

II. **Brainwashing Techniques**

A. **Denial of Existence Syndrome:** A series of questions used to deny or not to acknowledge the social existence of the other (target) parent.

B. **"Who, Me?" Syndrome:** A cluster of techniques employed by the programming/brainwashing parent that involve indirect attacks against the target parent's character and lifestyle while feigning innocence.

C. **Middle-Man Syndrome:** A cluster of techniques that involve communication with the child in regard to inappropriate subjects. These techniques place the child in a middle-ground position.

D. **Circumstantial Syndrome:** A technique which involves manipulating, changing, rearranging, and commenting on time and circumstances of contact with the target parent.

E. **"I Don't Know What's Wrong With Him" Syndrome:** A cluster of techniques whereby programming/brainwashing parents create or exaggerate difference between themselves and the other parent (in front of the child).

F. **The Ally Syndrome:** Techniques used to manipulate children into siding with the programming/brainwashing parent.

G. **The Morality Syndrome:** Techniques that utilize moral judgements against the target parent concerning his/her values, lifestyle, choice of friends, or success or failure in life (career, financial, relational or residential choices).

H. **Threat of Withdrawal of Love Syndrome:** Techniques revolving around the fear of rejection or the fear of loss of love from a parent if the child expresses love or desire to be with the other parent.

I. **"I'm the Only One Who Loves You" Syndrome:** Techniques employed to convince the child that the target parent or those associated with the target parent are not sincere in their loving and caring for the child.

J. **"You're an Endangered Species"** Syndrome: Techniques intended to coerce the child into interpreting anything associated with the target parent as wrong or unsafe. The child comes to perceive his/her existence as being at risk with every target parent contact.

K. **Rewriting Reality Syndrome:** A cluster of techniques employed to convince a child to doubt his/her own abilities to perceive reality.

L. **Physical Survival Syndrome:** Direct or indirect verbal threats or actual physical abuse in order to control the communication and/or behavior of a child.

III. **Motivational Factors: Who Does What and Why?**

A. **Revenge:** One of the most common and powerful reasons to program/brainwash a child against a target often emanates from a sense of rejection. Feelings of rejection may be derived from perceived emotional injuries of the past and a deep need to retaliate.

B. **Self-Righteousness:** A social-emotional motive that may stem from a genuine belief of being the better parent. This is especially true for programmers/brainwashers who adhere to the attitude that they were the more historically involved parent.

C. **Fear of Losing the Child:** Fear of losing one's child emotionally and/or physically. Fear may become magnified if one parent threatens to modify custody, if there is a remarriage and "new family," if there are comparisons of a new stepparent as being superior to the biological par-

ent, and if there are statements creating a sense of paranoia facilitating extreme possessiveness and unwillingness to share the child.

D. **Sense of Past History:** A social-emotional motive whereby one parent believes that he/she is more competent because of a past involvement with the child (i.e., child rearing).

E. **Proprietary Perspective:** Frequently observed with mothers who feel that they have a greater right to possession and ownership of the children due to pregnancy and birth.

F. **Jealousy:** Underlying reasons for problems related to custody may revolve around the programmer's/brainwasher's unresolved reconciliation fantasies; jealousy over the child enjoying a good relationship with a stepparent; feelings of loss, abandonment, displacement, and replacement in the child's life.

G. **Child Support:** An economic issue that may serve as a social basis for one parent to obtain financial gain.

H. **Loss of Identity:** A social-psychological basis, whereby parents may come to think or feel that some of or all of their identity will be lost if they lose full control of the child.

I. Out-of-Sight, Out-of-Mind: The programmer/brainwasher is attempting to distance him/herself physically and emotionally from the source of pain – the target parent.

J. **Self-Protection:** Self-protection may be a motivation when one parent is trying to hide something from the other:

1. Alcoholism or drug addiction
2. Incest or child abuse
3. Child abductors
4. Criminal involvement
5. Mental health problems
6. Problematic social relationships or lifestyle
7. Pre-existing or new physical health condition

K. **Maintaining the Relationship Through Conflict:** A basis whereby a conflict-oriented parent employs various techniques to stay connected to the target. This allows for the continuation of the marital/adult relationship, albeit dysfunctionally, often placing the child in a loyalty conflict.

L. **Power, Influence, Control, and Domination:** Parents are driven to entirely exclude the other parent from the child's life. Anger and hatred are the forces behind a consuming need to prevent the other parent from having any positive input into the child's life, in terms of physical or legal custody.

IV. Detection Factors: Uncovering the Programmer's Themes and Processes

Speaking directly with the children of separation and divorce reveals invaluable information about detecting whether programming/brainwashing exists, the severity and degree of damage to the other parent-child relationship, the time factor, the identity of the participants, and the techniques being implemented. The **most common detection factors** are as follows:

A. Contradictory statements.
B. Inappropriate and unnecessary information.
C. Character assault.
D. Collusion or one-sided alliance.
E. Child is spy or conduit of information.
F. Use of indirect statements.
G. Restrictions in permission to love or be loved.
H. Unchildlike statements.
I. Good parent vs. bad parent.
J. Comparative-martyr role.
K. Fear of contact with the other parent.
L. Anxiety arousal.
M. Cohort in secret keeping.
N. Child appears as mirror image of programmer.
O. Confusion of birth parent's importance.
P. Manifestation of guilt.
Q. Scripted views.
R. Unmanageability for no apparent reason.
S. Radical changes and dysfunctional behavior manifested in other spheres.
T. Nonverbal messages.
U. Coaching behavior.
V. Brain twirling.
W. Child threatens parent.
X. Child as parent's best friend.
Y. Physical survival.

4. The Factor That Best Predicts How Much Financial Child Support Will Be Paid is How Much The Parent Who Owes It Feels That s/he Shares Control Over The Child's Upbringing

Sanford Braver, Ph.D.
Federally funded researcher and professor of psychology, Arizona State University, Tempe, Arizona

There has been much speculation in the media and political debates about "irresponsible absent parents" or "deadbeat dads." This unflattering portrayal is based primarily on alarming statistics concerning child support non-payment and child abandonment. However, despite frequent calls for more data, there have been few well-designed studies that query divorced non-custodial parents (NCPs) directly in an attempt to learn what motivates such irresponsible behavior. In fact, the previous statistics about child support non-compliance and lack of contact were based virtually exclusively on the questioning of *custodial mothers only*, and as a result are subject to inaccuracies or biases of unknown magnitude and direction. I will report the results of a study my colleagues and I conducted which was a three-Wave longitudinal investigation of a sizable, representative sample which interviewed *both non-custodial and custodial parents* (CPs), surveying them initially before their divorce was final, then twice subsequently. The project was supported by a $1 million research grant from the National Institute of Child Health and Human Development.

Our findings paint a rather clear portrait, and point out the limitations of the previous research. With respect to rates, our findings suggest a substantial lack of convergence between what NCPs and CPs report regarding child support. We found a 27% discrepancy between the rate of compliance reported by NCPs and matched CPs. While NCPs reported paying an average of $3,555 per year (92% of what was owed), CPs reported receiving only $2,718 (69% of what was owed.) An identical pattern was found with respect to child visitation, with NCPs reporting they had from 20% to 37% more contact with the child than CPs reported. This much higher NCP-reported rate of child support was also found in the pilot study of Sonenstein and Calhoun (1988), under contract to the Office of Child Support Enforcement. However, upon learning of the pilot study results, OCSE failed to fund the full scale survey they had intended.

An immediate question raised by such findings is "which one is telling the truth." Unfortunately, little data exist to answer this question (c.f., Seltzer, Schaeffer & Charng, 1989). Until more definitive data are obtained, we believe it is a mistake to regard either of these reports as definitive, and instead regard each as substantially biased in a self-serving direction. Thus, the reported figures probably "bracket" the truth.

Our research focused especially on what factors predicted both visitation frequency and child support compliance. Consistent with past findings, economics (i.e., unemployment) and logistics (geographic distance between parents residence) were shown to be the most important factors. By far the strongest non-economic factor, according to our results, was NCP's perceived control over the divorce settlement and the child's upbringing. In fact, NCPs who faced favorable circumstances on these three factors (i.e., no unemployment, low distances between parental residences, and high perceived control) were estimated to visit 7.6-11.1 times a month, and pay .82-.96 of the child support they owed. These figures are in stark contrast to "typical" visitation and child support compliance reported in the literature (c.f., Weitzman, 1985; Furstenburg, et al., 1983) and suggest a level of involvement that can hardly be considered problematic.

The suggestion here is that NCPs differ substantially among themselves in how much they feel the divorce situation has diminished their ability to affect the destiny of their child. Those who continue to feel they share control appear very "responsible;" they are financially supportive of their children and continue frequent contact, even three years after filing for divorce. A large number of NCPs however, apparently feel that what happens to their children is completely outside their control, that the usual rights of parenthood are withdrawn from them, that they become in effect "parents without children." When this happens, withdrawal from the *obligations* underlying parenthood, financial support, and an emotional relationship with the child, appears likely to follow.

5. The Identification and Investigation of "Doubtful" or "False" Allegations

Kathleen J. Sternberg, Irit Hershkowitz, & Michael E. Lamb
National Institute of Child Health and Human Development, Bethesda, Maryland. Presented at the CRC Conference by Michael E. Lamb, Ph.D.

In response to repeated requests from investigators, we have prepared these notes about the investigation of false or doubtful allegations. By "false allegations," we refer to allegations by a child (rather than by a third party) when the preponderance of the evidence suggested that the alleged incidents did not occur as described; either no such incidents occurred or the perpetrator was misidentified. In these pages, we emphasize the importance of identifying false allegations and we offer some suggestions about ways in which these cases might be identified and investigated. Although false allegations are probably not very common, they have been reported in almost all countries and jurisdictions and they must be taken very seriously.

There are many reasons why children may provide false testimony to investigators. In many cases, the child may simply be responding to suggestive questioning by curious or perhaps malicious adults. In other cases, a child may be used as a pawn by parents feuding over the custody of the child, and in yet other cases, a child may fabricate an allegation of misconduct by one person in an attempt to protect the real perpetrator from punishment. In each case, it is important to identify false allegations and explore children's motivations.

Investigators are frequently expected to make a preliminary judgment about whether or not an alleged event took place and then defend their judgment in court. Because of this, it is important for investigators to make as well-reasoned and careful an evaluation of the allegation as possible. Even when the allegations are true, furthermore, it is always in the interests of the alleged perpetrator to claim that the event did not happen and thus that the allegation is false. For this reason, it is extremely important for investigators, as well as others involved in the legal and judicial system, to be able to distinguish false allegations from valid allegations. In addition, the ability to distinguish false from valid allegations will facilitate the direction of resources to the investigation and/or treatment of valid cases rather than those that are not valid.

As indicated earlier, most of the allegations made by children pertain to events that really happened and most children are motivated to tell investigators the truth. A firm conclusion to this effect can only be reached after the investigator has thoroughly examined alternative hypotheses, however. It is important, for example, to be sure that the child is not falsely identifying the abuser, the place, the time, or the abuser's behavior and to make sure that all elements in the child's description actually pertain to the same event, rather than to a conglomeration of events or, worse yet, elements of truth intermingled with elements of fantasy or fabrication.

Sometimes, aspects of the child's account themselves raise doubt about the reliability of the child's statement. For example, we have recently reviewed a case in which an 8-year-old child described an abusive incident that occurred in a forest. When asked to accompany the interviewer to the location, however, the child became anxious and embarrassed, said that she did not know where the forest was, and then admitted that the events did not happen as she described them. In another case, a 10-year-old boy provided an unrealistic description of events, alleging violent rape, being cut by a knife and broken glass, and being thrown into a deep hole, when there were no signs of any physical injuries. Statements like these may prompt disbelief but they should lead investigators to continue, rather than to conclude, their investigations. It is still possible — in fact, quite likely — that some misconduct took place and it is thus important to proceed with an investigation even when the alleged incidents appear not to have taken place.

To conclude that an alleged incident did not take place requires external or independent evidence to this effect. This might include evidence that either the child or the suspect were in another location at the time of the alleged event, the lack of medical or physical support for the allegations, or a "truthful" polygraph exam by the suspect, etc. The mere recantation by the child is not sufficient in itself. When presented with two contradictory statements by the child, we do not know which statement — the allegation or the recantation — is true and which should be discounted. As a result, it is important to perform as complete an investigation as possible of any allegation even when that allegation appears to be false.

A complete investigation would necessarily include an attempt to identify the alleged abuser, to visit the scene of the alleged events, to proceed with a medical examination (if that seems pertinent given the nature of the allegations), to interview parents and other potential material witnesses, etc. Likewise, when the child's allegations are plausible but the accessory information tends to contradict the child's account, it is important to complete the investigation and examine all the relevant information before concluding that the allegation is false rather than that some of the physical evidence is misleading. Furthermore, once an investigator feels confident that the child's allegation was false, s/he needs to reinterview the child in an attempt to understand

why the child made a false accusation. Has the child experienced some other form of abuse that s/he is trying to cover up? Is the child being coerced by adults to make false accusations? [This would be a crime of another sort.] Believing that an allegation is probably false is often reason not to abandon an investigation, but to pursue an alternative tack in the investigative process. In other words, in addition to investigating the truth or falseness of a child's initial statement, it may often be necessary to explore alternative hypotheses further.

Obviously, investigative time is a scarce commodity and each investigator is overwhelmed by the number of cases s/he is assigned. As we argued earlier, however, the ability to distinguish false from true cases is crucially important. Only by exploring some of these cases now and learning more about their characteristics will it be possible to later distinguish true from false cases with some certainty and be able to allocate scarce investigative resources as efficiently as possible.

6. Classes on Parenting for Parents of Separation and Divorce

Kathryn Gibson

CRC Coordinator for Pennsylvania, who is establishing such classes with the cooperation of judges in Allegheny and Butler counties.

My ex-husband and I have been divorced for almost seven years. Just last week, he and his "significant other" were at my house for our son's tenth birthday party. The other party guests included our daughter, both sets of grandparents, and my "significant other" along with his teenage son.

The evening was an experiment. While my ex and I had become quite proficient at co-parenting over the years, never had I attempted to put all of the important parties in my children's lives under one roof. This was different than gathering at a Little League game, scattered throughout the bleachers, or sitting at a school concert where only casual conversation had to be handled. Here we were—talking, laughing, cutting cake—gathered to celebrate a child's important day. The food was delicious, the birthday boy charming, the grandmother a delight with stories that caught us with full mouths. There was marble cake and Breyer's vanilla bean ice cream, ribbons and bows, balloons strung up in the hallway.

But none of it happened by accident. This party was the cumulative effect of seven years of effort and education. Seven years of learning how to parent after divorce. Every adult in the room that evening had secret thoughts and apprehensions tucked away, but they handled the evening with grace and respect. Respect for the rights of the children involved.

I do not mean to suggest that a family of divorce has to party with ex-mates to be successful at co-parenting. This is what was good for MY family, our next step. Families of divorce reach many different levels of "co-existence." Whatever level you reach—civility, friendliness, kinship—it's up to you. **Just know that SOME level of respect and civility is possible and desirable for your children's well-being.** That "level" can be a two-minute phone call, respect at a public function, a gathering of loved ones for a celebration, the ability to sit together at a school conference and discuss your child's progress without ripping each other apart.

How DO people learn to parent after divorce? Some read books, some accomplish it through counseling and therapy, some go along by trial and error. Some do it by phone, some do it through notes, some through a third party, some face to face. And across the country, formal classes for parenting after divorce are being set up through the court systems. In my area of the country—Pennsylvania—classes have just begun in Westmoreland County, and I am currently in the process of trying to convince judges in Allegheny and Butler Counties to follow suit. The bureaucracy of it all can be slow and frustrating, but as I wait for "formal classes" to be implemented in my county, I continue to work individually with couples—couples who are learning how to parent after divorce.

You see, **parenting after divorce is a learned behavior.** With practice, couples can learn to communicate and make decisions. They also learn about the stages of divorce—that it is a grieving process that includes numbness, anger, depression, denial, and someday, acceptance. They learn that those feelings are normal and even necessary, but they learn something else as well. **They learn to KEEP MOVING—techniques to keep moving through the stages**

toward a time when they will be able to communicate with each other.

I openly laugh when people comment that my divorce must have been an "easy" one. How else could my ex and I get along so well, they wonder. I reply that there was nothing easy about our divorce. That, actually, it was extremely hurtful, bitter and nasty. The level of cooperation that my ex-mate and I have achieved over the years has come from hours and hours of practice, introspection, teeth gritting and education. Teeth gritting? Yes, I cannot tell you how many times I hung up the phone after a civil conversation with him—and screamed in frustration or cried in anger. And my guess is, he can add stories to the list that could top mine.

The fact is—we learn to use good manners every day of our lives, using self-restraint to get through unpleasant situations. We learn to be civil in a business meeting by holding back when we REALLY want to call our boss a jerk. We learn to restrain from swearing at the cop who gives us a speeding ticket, saving our outburst until he is safely out of hearing distance. We pleasantly greet a neighbor whom we don't like very much, nod our heads politely at a difficult co-worker, listen with a smile to a story that is boring us to death. If we can act with such civility toward the marginal people in our lives, can't we do the same for our own children?

Notice the wording—can't we do the same for OUR OWN CHILDREN? Not for our ex-spouse, but for our children. **That is the first rule of parenting after divorce.** Change your attitude, change your philosophy. **Every time you are civil to your ex-spouse, every time you communicate in an adult manner, every time you solve a problem without an outburst, every time you stop yourself from badmouthing your ex within the children's hearing, you are extending civility, respect, good manners to YOUR CHILDREN.**

Whoa, you're thinking, that's easy for you to say, but what about me? My situation is different. My ex is an alcoholic...my ex is abusive...my ex kidnaped the kids...my ex accused me unjustly of child abuse...my ex moved out of the state and I don't even know where my kids are. You're right. Some cases are complicated; some cases must deal with court systems and unfairness and the fact that one of the parents involved might be dysfunctional. Those cases need individual attention to individual problems.

But many cases involve two parents who are capable of learning, who are capable of civility. When we are in the stage of anger, bitterness and revenge, it is hard to imagine that our former mates have any good points...and it is easy to exaggerate their bad points. Think twice, three times, a dozen times, before you stick a severe label on an undeserving mate. Unfortunately, when the important decisions about custody, cooperation, co-parenting need to be made, couples are usually at their angriest, and life-changing decisions are made under severe stress...under conditions when it is hard to think clearly.

The purpose of **PARENTING AFTER DIVORCE CLASSES** is to offer information to help a couple make informed decisions. The mere presence of a third party is helpful. When I work with a couple, here are the steps we go through:

—Viewing of the Allegheny County (PA) custody video. This video features a family psychologist, a family lawyer, a judge and various divorced parents and their children discussing their views. It offers legal advice, emotional advice and words of wisdom from those who have gone through the process of divorce. The impact of this video can be very important—especially the sections featuring the children. If the video can introduce one new idea, one new concept, it has done its job.

—Information about the stages of a divorce. When a couple goes through a divorce, it is common for them to feel alone, to feel crazy, to think that this has never happened to anyone else. This educational segment allows them to identify the stage that they are currently in, to know that it is normal and OK, to know that with effort they will move forward. Our society in general does not honor the grieving process. When we suffer a severe loss in life, we are expected to grieve for five business days (if it is the death of a loved one) and then to start pulling ourselves back together. At most, we allow six months to a year for severe grieving—it's even written in formulas for psychological diagnoses. The truth is, grief can occur over many types of losses—from divorce to death to losing a job or a pet—and it may take a very long time to feel whole again. Knowing its stages, allowing yourself to feel the grief, learning that there is hope when you're feeling hopeless, is a powerful lesson for couples. Divorce is similar to a death—the difference being—you have to "re-form" your relationship with the "dead" partner. Whether it be positive or negative, the relationship is there.

—The importance of grieving on the part of the children. Here the couples learn that children also go through the stages of grieving. Because children do not have a long history of life experiences to fall back on, they express their grief in different ways. Couples are taught some basics in child development. What's normal development? What behaviors might be an expression of grief? What behaviors might be caused by the divorce? The couples are taught to focus some of their energy on their children's needs, with techniques for different age groups.

—The importance of separating your issues as a couple from issues that deal with raising your children. The fact is, you can't afford to put your children on hold while you fight about or figure out the reasons for your divorce. Yes, you have to spend time on yourself, but the dilemma of "who did what to whom" must be separated from the

process of child rearing. Couples are taught behavioral change through role playing. They are shown specific techniques for putting their issues aside when dealing with the kids. This does not mean that the adult issues aren't important. Each individual must spend time figuring out what went wrong and who did what. Each individual must have room and space for pounding the walls or releasing negative thoughts and energy, but they are taught to do it away from the children. Find a friend, beat up a pillow, scream at the top of your lungs, seek counseling, write in a diary. No one wants you to be a saint or a martyr. It's healthy to work on your own issues—away from the kids.

—Rules of etiquette for parenting after divorce. The following are discussed in more detail than is written here:
+++Don't use your children as the go-betweens.
+++Allow your children to spend guilt-free time with the other parent.
+++Tips on how to deal with a new partner in your ex-mate's life.
+++Allow your children to spend time with grandparents and other close friends and family members.
+++Calm the waters instead of fanning the fires.
+++Don't badmouth your ex in the children's presence.
+++Allow the children to act their own age.
+++Dealing with an uncooperative or absent spouse.
+++Maintaining civil behavior even though your ex-mate is a beast.

—Finally, look to the future. Visualize the kind of civil relationship that you would like to achieve with your ex-spouse—even if it seems unlikely to happen. Firmly plant your future goals in your mind and rehearse them inside yourself. What we think about tends to come true. Always ask the central question—**is my behavior helping or hurting my child?** Your child is attached emotionally and biologically to the other parent, and your behavior toward your ex-spouse transfers to your children. Are you transferring the negative or the positive to your child? A defining moment for me came one day as I called out a question to my son. He was sitting with his back to me, and as he turned around to answer me, he looked exactly like his father—there's a quizzical little lift around the eyebrow that is identical in father and son. How, I thought, can I say hurtful things about someone who is so much a part of my child? It would be the same as hurting my son directly. That clarifying moment has come to my mind on many occasions, helping me to maintain my civility.

Perhaps it sounds like an impossible dream. Certainly, the above process does not happen overnight or without tremendous effort. **Parenting after divorce is the most difficult task I have ever tackled in my life—partly because it never ends.** Even after seven years, there are times when I can get instantly angry or irritated at my ex-husband. An issue that I'm still working on can pop up and cloud my vision in a flash. Because of my years of practice and rehearsal, I can usually handle those moments.

But don't expect perfection. We are, all of us, human. As hard as we try, the snide comment about your ex might slip out before you know it. The tears might take over in spite of your best efforts. Remember that it's okay to be human. Kids won't fall apart over normal emotions and might even be relieved to know that it isn't necessary to be perfect. As long as you're not cultivating a constant atmosphere of bitterness and revenge, trust that your weaker moments will shape your children as well as the stronger ones.

My particular family, with seven years of practice and many more to go, has worked through the stages of parenting after divorce: from anger to civility to friendship to kinship. It is a curious mix of drawing and extending boundaries simultaneously. **Each family is different, each must find its own style.** It is my firm belief that when I finally reach the end of my life, I will look back over the years and every other accomplishment—from awards to articles published to career successes—will take a backseat to the effort that went into learning to parent after divorce.

7. The Primary Caretaker Theory: Backsliding To The "Tender Years" Doctrine

Ron Henry, Esquire
Kaye, Scholer, Fierman, Hayes and Handler, Washington, DC

Although the "tender years" doctrine of maternal preference has been widely repudiated by statute and case law, old prejudices die slowly. The Gender Bias Commissions of each state in which a report has been presented have acknowledged that bias continues to taint custody decisions. As overt bias becomes increasingly unacceptable, we must guard against reformulations that merely pour old beer into new bottles.

1. Origins and Purpose of the "Primary Caretaker" Theory

In *J.B. v. A.B.*, 242 S.E.2d 248 (W. Va. 1978), Justice Richard Neely freely acknowledged the maternal prefer-

ence bias of his Court in the following terms:

> *We reject this [father's] argument as it violates our rule that a mother is the natural custodian of children of tender years*
>
> ***
>
> [The Court] rejects any rule which makes the award of custody dependent upon relative degrees of parental competence rather than the simple issue of whether the mother is unfit.
>
> ***
>
> [B]ehavioral science is yet so inexact that *we are clearly justified in resolving certain custody questions on the basis of the prevailing cultural attitudes which give preference to the mother as custodian of young children.*

Id. at 251-52, 255 (emphasis added).

J.B. v. A.B. was so openly biased that it helped to accelerate the end of its own era. In 1980, the West Virginia legislature statutorily abrogated Justice Neely's maternal preference. W. Va. Code 48-2-15 (1980). As investigators and Gender Bias Commissions across the country have often found, however, bias may simply change its form rather than disappear. Justice Neely's rejoinder, Garska v. McCoy, 278 S.E.2d 357 (W. Va. 1981) was issued the following year:

> [This case] squarely presents the issue of the proper interaction between the 1980 legislative amendment to W. Va. Code 48-2-15 which eliminates any gender based presumption in awarding custody, and our case of J.B. v. A.B., W. Va., 242 S.E.2d 248 (1978) which established a strong maternal presumption with regard to children of tender years.
>
> ***
>
> While in *J.B. v. A.B., supra,* we expressed ourselves in terms of the traditional maternal preference, the Legislature has instructed us that such a gender based standard is unacceptable. . . .
>
> ***
>
> Consequently, all of the principles enunciated in J.B. v. A.B., supra, are reaffirmed today except that wherever the words "mother," "maternal," or "maternal preference" are used in that case, some variation of the term "primary caretaker parent," as defined by this case should be substituted.

Id. at 358, 361, and 363 (emphasis added).

Thus was the "primary caretaker" doctrine born. Let us be as plain, concise, and honest as was Justice Neely. The "primary caretaker" theory is first, foremost, and always a change-of-name device designed to maximize the number of cases in which the Court will be compelled to preserve the bias of maternal preference and award sole custody to the mother.

2. The Systematic and Purposeful Bias of the Primary Caretaker Theory

The phrase "primary caretaker" is a warm, fuzzy term with a superficial appeal. Like all legal terms, however, the substance is in the definition provided for the term. Every definition which has been put forward for this term has systematically and purposefully counted and recounted the types of tasks mothers most often perform while systematically and purposefully excluding the types of tasks nurturing fathers most often perform. No effort is made to hide the bias.

In some definitions, the very first credit on the list of factors to be considered goes to that parent, regardless of gender, "who has devoted significantly greater time and effort than the other in . . . breastfeeding." The definitions often do not limit how far forward in time credit is to be extended for having performed such services in infancy. While the historic role of breastfeeder certainly should have little relevance to the custody of an adolescent who is contemplating the merits of rival street gangs, the more fundamental problem is the exclusion of consideration for the father's efforts and involvement throughout the child's life. No one seriously disputes the role of father absence in street gang formation, teenage pregnancy, and other pathologies yet the "primary caretaker" theory remains fixated on "mothering" and ignores "fathering."

Even on tasks where simple physical labor is involved, the "primary caretaker" theory aggressively asserts that what traditionalists called "women's work" is meritorious while "men's work" is irrelevant. The typical "primary caretaker" definition gives credit for shopping but denies credit for earning the money which permits the shopping. Credit is given for laundering the little league uniform but not for developing the interest in baseball or providing a role model in settings outside the home; for vacuuming the bedroom floors but not for cutting the grass or shovelling the snow; and for chauffeuring the children but not for commuting to work or maintaining the car.

Generally, the items which are counted in accumulating "primary caretaker" points are not matters of supreme difficulty or matters where abilities are differentially distributed. For example, the usual definition gives points for "planning and preparing meals." In our house, the seven-year-old loves canned spaghetti in "ABC" shapes and hates "Ninja Turtle" shapes, the five-year-old has precisely reversed preferences, and the two-year-old can fingerpaint equally well with either. To establish a custody preference on the basis of opened-can counts is an affront to all parents and hardly squares with our understanding that many women entered the paid workforce precisely because they were stunted by the mindless tasks of daily child care.

Most unreasonable is the "primary caretaker" theory's contempt for paid work. Time spent shopping counts; paid work does not. Often, grocery shopping, clothes shopping, and other shopping are counted separately. A single after-

noon of shopping can be counted several times over but paid work is the only thing that permits the shopping. Who is really providing the child care?

Work is devotion, sacrifice, nurturance. . . . Work is parenting. It is obscene to say that spending is nurturance while earning is mere heartless, transferrable cash. I don't know any parents who are incapable of spending, but many are incapable of earning. Between a spending specialist and an earning specialist, which is the better caregiver?

In any two-adult household, there is a division of the tasks necessary to simply carry on with life even when no children are present. Cooking, cleaning and shopping are not counted as child care in the childless household any more than paid work, yard maintenance and home repairs are so counted. The nature of these tasks does not change with the introduction of children. Instead, all of the previously performed tasks — specifically including paid work — collectively support the child's environment. What changes with the arrival of children is the commencement of the child's need to develop a relationship with both parents and the research shows that "fathers spend just as much time in primary interaction as do mothers." The gender bias inherent in the "primary caretaker" theory lies in its insistence that the types of tasks most often performed by women, regardless of the presence of children, are worthy while those of men are not.

The biased selection of factors deemed worthy of credit under the "primary caretaker" theory is not the only flaw in the theory. Even if it was possible to remove the gender bias from the selection of "primary caretaker" factors, the theory still suffers from the fact that its "freeze frame" analysis of who-did-what during the marriage ignores the reality that children's needs change. The best breastfeeder may be a lousy soccer coach, math tutor, or spaghetti can opener.

The historical division of labor during a marriage also says nothing about the abilities of the parents and their actual behavior either before or after the marriage. Just as Mom and Dad had to fend for themselves before the marriage, so also will they be compelled to fend for themselves after the divorce. The "primary caretaker" father will have to get a job. The "wage slave" mother will have to cook more meals and wash her own laundry. Similarly, each will have to provide for the needs of the children during their periods of residence. We know this is necessary and we know that it happens even in cases of the minimalist, "standard" visitation order.

The allocation of tasks that existed during the marriage necessarily must change upon divorce. The agreed specialization of labor during the joint enterprise of marriage cannot continue after divorce. Each former spouse will have to perform the full range of tasks and the difficulties encountered by the former full time homemaker who must now learn to earn a wage have been a central concern of feminists. The "primary caretaker" theory, with its imposition of single parent burdens upon the spouse least able to cope with the need for earning a living is thus tangibly damaging to the very class that its bias aims to aid. As a growing number of leading feminists have come to understand:

> *Shared parenting is not only fair to men and to children, it is the best option for women.* After observing women's rights and responsibilities for more than a quarter-century of feminist activism, I conclude that shared parenting is great for women, giving time and opportunity for female parents to pursue education, training, jobs, careers, professions and leisure.
>
> There is nothing scientific, logical or rational to excluding the men, and forever holding the women and children, as if in swaddling clothes themselves, in eternal loving bondage. Most of us have acknowledged that women can do everything that men can do. It is now time to acknowledge that men can do everything women can do.

What your child and every child needs is the active, extended emotional and physical involvement of two parents, not a division of time based upon historical spaghetti can counts.

3. Primary Caretaker" as a Prediction of the "Best Interests" of the Child

If the law supposes that," said Mr. Bumble, "the law is a ass, a idiot." Dickens, Oliver Twist, Chapter 10, page 51.

The best defense of the "primary caretaker" theory was presented by Professor David L. Chambers in his article, "Rethinking the Substantive Rules for Custody Disputes in Divorce," 83 Mich. L. Rev. 477 (1984). None of the articles since Chambers have matched his thorough analysis and many are bare claims for the mother's ownership and dominion over the child. Thus, Professor Mary Becker writes that:

> I therefore suggest that more custody questions would be resolved correctly were we to defer to the decision of the mother with respect to the best custodial arrangement for her child as long as she is fit.

Chambers, in contrast, labored to analyze mountains of research and more mountains have appeared since the publication of his article. Nothing before or since his article, however, shows that mothers are better parents or that either parent cannot readily take on the tasks which had been allocated to the other parent during the marriage. What the research does show is that children suffer dire consequences when they are deprived of the active and continuous involvement of one of their parents. No one would suggest that the nation's gang members, drug addicts, pregnant teenagers and school dropouts are suffering from excessive fathering.

The interesting thing about the Chambers article is that, like a good mystery thriller, the suspense lasts until the end. As late as the 83rd page of the article, Chambers advises that "on the basis of the current empirical research alone, there is thus no solid foundation for concluding that chil-

dren, even young children, will be typically better off if placed with their primary caretaker." Id. at 560. Ultimately, Chambers suggests a weak preference for the "primary caretaker" up to age five and no preference thereafter. Id. at 564.

Up to the concluding pages, Chambers could have gone either way. What tipped the balance? Chambers offers three answers:

> 1. "Research on the ties of children to secondary caretakers makes clear that such ties are typically stronger than once believed but leaves open the significant possibility that preserving the intimate interaction of the child with the primary caretaker is of greater importance to the child."

Id. at 561.

> 2. [M]y earlier review suggests the probability that primary caretakers will suffer more emotionally than secondary caretakers when shifted into a mere visitor's role."

Id. at 561.

> 3. "A primary caretaker preference will reduce the incidence of litigation by letting one side know it is less likely to win. . . Whoever bears the burden of proof will be denied custody in those cases, probably substantial in number, in which the Judge concludes at the end of all the evidence that she has no strong basis for believing that the children will do better in one setting than the other."

Id. at 563.

Of these three rationales, only the first is related to the well-being of the child and the real problem identified by social science researchers is precisely the opposite of what Chambers posits. It is the bond between the so-called "secondary caretaker" and the child that is most severely threatened by reduction to the "mere visitor's role" in a typical custody order. The short attention spans and memories of smaller children create the greatest need for frequent and continuing contact with both parents. See, e.g., "Children of Divorce: A Need for Guidelines" by Dr. Ken Magid and Dr. Parker Oborne, 20 Family Law Quarterly 331 (Fall 1986). Judicially imposed limitations on children's contact with the "secondary caretaker" are a cause of broken and weakened parent-child bonds. The winner-loser outcomes that are sought by the "primary caretaker" theory are inconsistent with what we know about children's need for both parents. Child development specialists do not support "primary caretaker" driven custody determinations.

As to the second rationale, the claim that the "primary caretaker" will be emotionally deprived by a failure to obtain sole custody, it is only necessary to recall the fact that a child is not a toy. The idea that custody should be governed by one parent's emotional "need" to possess and own the child is precisely contrary to the trend of the law over the past thirty years away from the notion that the child is the property of the custodial parent. In California, for example, a court considering an award of sole custody must examine:

> which parent is more likely to allow the child or children frequent and continuing contact with the noncustodial parent...

California Civil Code, Section 4600(b)(1). Children want, love, and need two parents, not a rule that encourages hoarding.

The third rationale's claim of virtue in bright-line rules limiting judges' discretion supports no particular choice of arbitrary criteria. Awarding custody to the tallest parent is even easier to administer and probably no less rational. Before imposing arbitrary rules, however, please remember that we are talking about the most personal and important decisions that will occur in most people's lives.

To state that some classes of citizens are "less likely to win" makes child custody decrees sound like a game, like blackjack, where ties go to the dealer. The parent-child relationship, however, is not a game and real human beings are entitled to a real day in court, not a crooked table. Cases of "ties" between equally fit parents are precisely the cases where we should not want a mechanical preference to pick a winner and a loser. Our real focus should be on developing a structure that demilitarizes divorce by getting past winner/loser dichotomies and by encouraging the maximum continued involvement of both parents.

Conclusion

Children are born with two parents. Children want, love, and need two parents. In all but the vanishingly small number of pathological cases, the courts should strive to maximize the involvement of both parents. If distance or other factors prevent a substantially equal relationship with both parents, the preference should go to that parent who shows the greater willingness and ability to cooperate and nurture the other parent's relationship with the child. That's what being a caretaker is all about.

8. Positive Approaches to Family Formation and Preservation

Laurie A. Casey
CRC Senior Policy Analyst, Moriah Center, New York

Introduction

Policies introduced and those currently in practice relative to paternity establishment continue to miss the mark. First and foremost "paternity establishment" is a gender biased phrase that if replaced with a phrase that referred to the color of someone's skin, or religious background would be recognized as "discriminatory" and unacceptable. Lastly, "paternity establishment" is more than a procedure which produces legal acknowledgement of financial support. "Paternity establishment" produces the legal presumptions necessary in establishing the "parentage" of a child as well as the establishment of the legal, financial, and emotional responsibilities of the child's parents.

If our children are to be successful in experiencing their heritage firsthand they must be united to both parents – a union that includes the much needed financial and emotional support of a family oriented environment.

Acknowledgement of Parentage vs. Paternity Establishment

If the purpose of paternity establishment is to encourage "voluntary acknowledgement" then the process must reflect the willingness of the federal and state governments to include a fair, unprejudiced, and non-discriminatory approach to the process of parentage. By excluding gender-biased terminology such as "paternity establishment" we will be one step closer to acknowledging the rights and responsibilities that should be afforded to both parents and the children involved.

In any other policy or legislation, gender biased language would be unacceptable and considered unconstitutional under sex discrimination laws. Our racial struggles are evidence that discriminatory language of any kind immediately creates an environment of mistrust and hostility.

Recommendations include the following:

- *Increase awareness that a child, a father, and a mother constitute a family.*
- *Introduce non-gender biased language, replace "paternity establishment" with "Acknowledgement of Parentage."*
- *Nurture an environment for teamwork, encourage parents to act responsibly and together to promote an end result that is beneficial to the child.*
- *Uphold the Fifth and Fourteenth Amendment Rights of the United States Constitution which guarantees all citizens EQUAL PROTECTION AND DUE PROCESS UNDER THE LAW.*

Rights and Responsibilities of Parents and Their Children

These issues are both financial and emotional. 45 CFR 466(a)(5)(E) cites the requirement of States to *"have laws and procedures under which the voluntary acknowledgement of paternity must be recognized as a basis for seeking a [financial] support order without first requiring any further proceedings to establish paternity."* If 45 CFR is to benefit the children, allowances must be made to recognize the emotional needs and rights of these children.

Currently, state and local laws allow for judges and non-legal magistrates to decide on emotional support issues, i.e., parenting plans and parenting time, with only a stipulation for modification or a motion for the establishment of financial child support. This current process allows family courts and district courts to enter decisions on non-financial support issues without the knowledge of the non-custodial parent.

The unsettling fact is that judges and magistrates are deciding the fate of our children without the full knowledge and understanding of their parents. This is case enough to include in any legislation full disclosure on the rights and responsibilities of parents to their children and vice versa.

The results of these procedures are evident in our overburdened court systems. These procedures give rise to increasing numbers of adversarial cases which pit one parent against another while leaving the child awaiting a decision which will be beneficial to the family. Yet, as we consistently witness, it is not a beneficial outcome to the family, but more litigation, more court time, and less paternal involvement due to the acceptance of biased and discriminatory action and reaction by an unrelenting, misinformed system which *discourages* instead of *encourages* family formation and preservation within our society.

Recommendations include the following:

- *Encourage family formation and preservation by requiring legislation to guarantee "due process" and to include written documentation procedures and written acknowledgement by the parents regarding "rights and responsibilities" of parentage.*
- *Written documentation procedures would incorporate three forms, 1) Voluntary Acknowledgement of Parentage, 2) Voluntary Agreement–Parenting Plan, and 3) Voluntary Access/Parenting Time Agreement.*
- *Requirements would include the above mentioned forms as an inclusive need for any action to be taken by a State's*

Family or District Court pertaining to the financial and emotional support order.

• *Require the registration of birth certificates to include both parent's names when parentage is acknowledged and upheld by the appropriate jurisdiction.*

and finally,

• *Amend any current or proposed legislation which would allow for a conclusive presumption without genetic testing of parentage to restrict this presumption to only an ongoing financial and emotional support network. It must be made very clear that this presumption would not be applicable to adoption and/or SRS intervention processes.*

Summary of Recommendations

Proposed rules and regulations must include clear definitions of "rights" and "due process." Currently, the states rely on the interpretation of Federal Regulations to guard them from fully implementing fair and equitable solutions.

The Federal Government, electing to be involved in family formation and preservation from a mere financial standpoint, is not adequate in alleviating the problems of poverty and out-of-wedlock childbirths. Nor is it providing for the necessity of parental involvement in our children's lives. Hence, the Federal Government has created a system that, in itself, has discouraged family formation and further implemented emotional poverty onto our children.

In order for our children to prosper, the Government must act responsibly by recognizing that "rights and responsibilities" include emotional support issues. Furthermore, Federal Regulations must impose upon the states to document, in writing, the information and the receipt of information pertaining to these rights and responsibilities by the parents involved. And if the Federal directive is lacking, then it is the responsibility of the states to ensure a child's right to both parents.

Legislation must require that, at a minimum, any process of voluntary acknowledgement of parentage include the three main ingredients of parenthood, i.e., financial support, emotional support, and parenting time. This can be accomplished by including the recommended forms as previously suggested. This requirement would ensure that the rights of each parent are duly noted and accepted as part of any judicial procedure where any of the foregoing is considered by a judge or magistrate and where a judge or magistrate is to be given the power to pass judgement.

Above all, since the Federal Government has initiated a process to which the states are required to adhere, it is imperative that any Federal mandate/directive explicitly acknowledge and define the scope of its intent without leaving room for misinterpretation which will ultimately result in the discrimination of an individual and/or individuals and where due process will not be afforded in a manner consistent with the Constitution of the United States.

Conclusion

Approaching issues relative to children and their parents from a non-gender-biased position is the responsibility of all individuals involved. The United States prides itself on the freedom it affords its citizens. Yet, it continues to overlook the moral and legal implications of using terms such as "paternity establishment."

In order for our children to achieve financial and emotional security, we must first acknowledge that the parents of these children and the children themselves are to be treated equal under the law. This requires acknowledging that there exists an equal obligation to provide emotional support as well as financial support and that accountability is equal.

Legislators must engage upon a campaign that incorporates these rights and responsibilities with the inclusion of family formation and preservation.

By redirecting the energies of current policy to a broad based approach incorporating a panoramic view of children and their parents, these individuals will be leading the way to a financially and emotionally prosperous future for our children.

Until we refocus our efforts upon the family unit, i.e., a child, a father, and a mother, as a whole, the introduction of consistently gender biased regulations and punitive mandates will result in a continued decline in family values and family formation practices. It will also continue to encourage the underground economy of the non-custodial parent and the underground railroading of a child's right to both parents.

It is time to take notice of the growing population who continue to ask "Who is Caring for Our Children?"

9. How to Work with the Legislatures

Cindy Ewing (formerly Lewis)
Coordinator, Children's Rights Council of Virginia

One of the most important activities for any children's advocate who has the objective of effecting changes in policy is working with the state legislature. Positive reform of state policies is greatly dependent upon how well you as activists educate and inform your policy makers about the issues. You have the challenge before you to change current perceptions that may have been created by false information and hype.

Just as working with any governmental body or the media, you want to present a positive image of yourselves and your organization. You must be credible in the eyes of the legislature to further your cause. Therefore, you should be careful in choosing which persons will represent the organization.

Planning and organizing:

An activist group will be more effective if it carefully plans and coordinates its approach. A legislative agenda should be developed to make sure that goals and objectives are clarified in advance. In developing a legislative agenda, it is helpful to list all desirable legislation. Once this is done, the legislative proposals should be ranked in order of priority. Realistic goals for upcoming sessions of the legislature should then be set, keeping in mind the size of membership, capabilities, talents, experience, etc. Setting goals that are too high can deflate the group's motivation.

An integral part of effectively orchestrating your efforts to influence policy is a system of communication and information. A telephone tree is recommended to enable getting important messages to all of your members fast. This is essential to being able to respond quickly to last minute notices which need action by members. Several individual calls to legislators requesting their support on a bill is more effective than only one call.

At the beginning of a legislative session, your members should be provided with all of the essential information for effective lobbying. This includes a list of all state legislators, their addresses, their telephone numbers, legislative room numbers and fax numbers. If there is a toll free constituency number, it should be provided to all members who would otherwise have to incur long-distance telephone charges.

Networking:

To assist you in working towards your goals, you should make contact with organizations having related goals, both on the national and local levels. Coordinate your activities with the other groups on a statewide basis. Local organizations which have been active in the past legislative sessions can be valuable resources for learning the ropes. It is also helpful to network with people who have special skills. Joining and becoming active in local political clubs or other highly visible organizations can also provide you with the forum in which to gain contacts that will assist you in your endeavors towards reform. Groups in other states can provide you with model legislative language to assist you in drafting the language for your proposals.

The following are suggestions to help you in your efforts with the legislatures:

- Understand how your legislature works. Most state capitols have booklets and other information available so you can learn how a bill becomes a law, who the members of the legislature are, etc.
- Develop relationships where possible with members of the legislature.
- Use facts and statistics to support your position, citing the sources of such data and sometimes providing copies to the legislature or legislative committee members.
- Focus on the issues. Use logical arguments (not emotional ones) and as a general rule, "do not discuss your personal case."
- Learn about opposing views and positions and be prepared to rebut those opposing arguments.
- Be concise and to the point when presenting information. Legislators are very busy and their attention span and patience may be short.
- Prepare in advance before testifying in front of policy makers. Your preparedness will show and can have a significant impact on how persuasive you may be.
- Choose qualified members to represent the organization.

Remember that organization, image and supporting evidence are all extremely important. If possible, spokespersons for your organization should represent a cross-section of concerned and affected citizens, i.e., custodial and non-custodial mothers and fathers, grandparents, adult children of divorce and other concerned citizens. The individuals who will speak on behalf of the organization should be well prepared and practiced public speakers. Training on the topic of public or professional speaking can be invaluable. You may be able to find continuing education courses on the subject at local educational institutions. Participation in Toastmasters International, a public speaking club, can be very helpful in practicing to be a good public speaker. The club has chapters throughout the country. Conduct research, develop a good library and subscribe to relevant publications to assist you in arming yourself with supporting information.

10. Families Apart: 10 Keys to Successful Co-Parenting

Melinda Blau

Northampton, Massachusetts, author of a book by this title (G.P. Putnam's Sons), and writer for Child, The New York Magazine, New Woman, *and* American Health

> "[After my day in divorce court], I was to realize that although our ties as a couple were legally severed..., we would always be a family. Jennifer and Jeremy, then 13 and 10, would always be our children. And we would be joined, if not in holy matrimony, by a union even more enduring."
>
> —*Families Apart*, page 13

Divorce ends a marriage; it does not end a family. In the '50s good people didn't get divorced. Those who did, doomed their children to living in a "broken home." Indeed, but a few decades ago, divorce was a word we only whispered.

In the '70s we saw the dawning of the Age of Divorce. We thought children of divorce would simply "bounce back" after divorce. After all, they were "resilient" — parents' arguments would simply roll off a child's back. And it didn't matter if Dad disappeared from the family scene.

In the nineties, while we accept the sad inevitability that one out of two marriages ends in divorce, we have shed the illusions of earlier decades: divorce is neither a stigma nor an easy out, especially where our children are concerned. A torrent of research has shown that some children are more resilient than others, but that all children are hurt by their parents' conflict. And we know now that children of divorce whose parents stay in their lives fare better than those who have had a "parentectomy."

After divorce, adults need to get on with their separate lives, and children need two parents. Drawing from the finding of researchers, the advice of clinicians who have worked with divorcing families, and, most important, the wisdom of parents who have managed this heroic task, I have developed the ten keys to successful co-parenting, ten principles than can help a family reorganize into a new form after divorce — a family apart.

The keys are the principles of sound parenting — a guide to making the road smoother in *any* family situation. All parents are, in a sense, co-parents. All have challenges; all have to juggle work schedules and child-rearing responsibilities; all have to find the best way to communicate; all deal with their differences and have to make joint decisions in spite of those differences. In divorced families, however, parents have to work harder.

Divorced parents crave a beacon of hope. They need to hear about other parents who have divorced but haven't abandoned their kids, torn them apart, or left them to swim alone in a sea of adult problems. Too many articles and books publicize the dire effects of divorce and, in so doing, show how *not* to parent after divorce. Parents need to be shown *how* — to listen, to sacrifice, and to cooperate — so that their kids are less susceptible to the dangers of divorce. The ten keys can give parents that education.

The keys follow a logical rather than sequential order. You don't master one and move on to the next. Each key represents a cog in the co-parenting mechanism; and they all work together:

Key #1: Heal yourself — so that you can get on with your own life, without leaning on your kids. Become aware of the stumbling blocks and begin to forge a separate identity. And know that co-parenting — and seeing your children thrive — is the greatest healer of all.

Key #2: Act maturely — whether or not you really *feel* it. You and your co-parent are the adults, with the responsibility to care for and to act in your kids' best interest. That means you have to understand and manage your anger; and learn how to negotiate in a constructive, non-adversarial way — both during your legal divorce and long after.

Key #3: Listen to your children; understand their developmental and temperamental needs. From the day you break the news and for years to come, you will need to listen and help your children express their feelings.

Key #4: Respect each other's competence as parents and your mutual love for the children. Acknowledge that they need the other parent and that he or she has something to give them. And instead of viewing the other parent as your ex-spouse, see him or her as your co-parent, the mother/father of your children.

Key #5: Divide parenting time—somehow, some way, so that the children feel they still have two parents; design a parenting plan that reflects the important variables in *your* family's life. Remember that custody is about parents' rights; co-parenting is about parents' responsibilities; this is a time to ask yourself what *you* are capable of giving as a parent.

Key #6: Accept each other's differences — even though one of you is a health food nut and the other eats Twinkies, one is laid back and the other a disciplinarian, one's fanatically neat, the other a slob! It helps if you can see your co-parent as a business partner in a vital enterprise: raising healthy children.

Key #7: Communicate about (and with) the children — directly, not *through* them. Keep each other informed; and learn how children's complaints, fears, confusion, tale-telling, and other problems are usually symptoms of poor communication.

Key #8: Step out of traditional gender roles. Mom learns how to fix a bike and knows when the "first down" is; Dad can take his daughter shopping and talk with her about dates. It's important to be a "balanced" parent—one who is psychologically intact, comfortable in a variety of roles, and

able to provide equal measures of love and limit-setting.

Key #9: Recognize and accept that change is inevitable and therefore can be anticipated. Life continues to happen after divorce. Remarriage, job changes, problems in school, and a myriad of other normal and not-so-normal transitions present themselves as challenges in any family. Divorced parents who show their children they can ride the waves of change endow them with valuable life skills.

Key #10: Know that co-parenting is forever. Be prepared to handle holidays, birthdays, graduation, and other milestones in your children's lives cooperatively, thoughtfully, and with a minimum of stress; and encourage your respective extended families to do the same.

Despite the recent "family values" debate, it is clear that divorced parents, in whatever non-traditional family form they choose — single-parent families, remarried families, stepfamilies, gay and lesbian families — are able to give children the nurturing and guidance they need. The ten keys, applied and adapted to each family's needs, can help keep them on track. We must remember and remind others that the nuclear family is not synonymous with family values — and that it is not a particular family form that enables children to grow and thrive. It is parents' caring and concern — their connection to their children.

11. Winning Strategies in Child Custody Litigation:

Assisting Your Client to Navigate Past the Shoals of a Child Custody Evaluation

Michael L. Oddenino, Esquire
CRC General Counsel, Arcadia, California

A successful approach views the custody evaluation as an exercise in communication. How can your client best communicate what they want to the evaluator? To communicate clearly, your client must have a clear message (clear goals) and must be sensitive to the intended audience (evaluator and judge).

I. What is at Stake

A. Full Custody With No Visitation.

This extreme outcome is appropriate only where abuse or neglect are involved — and even in those cases monitored visitation is the more likely option. The emotional stakes involved here are tremendous. One parent is clearly labeled as "better" than the other parent — one parent is officially sanctioned as "unfit." This drastic outcome is the one that many clients dream about but is not likely in most cases and it can be counterproductive to reveal such an attitude to the evaluator.

I am right and my ex-spouse is wrong. Whether this is true or not, clients must first understand (and it is surprising how many really don't) that eliminating the other parent from the picture is not a realistic possibility. Explaining what this outcome is about, and how unlikely it is to occur, counsel can begin to help clients to understand what truly is at stake in a custody evaluation is the well-being of their child, not a determination of who is right and who is wrong.

Taking extreme positions will more likely work against the client in the eyes of the evaluator.

B. Joint Custody.

This option is far more likely in those cases that are not contested — that is, those cases in which no custody evaluation is ever begun. It is also useful to go over this option with clients before an evaluation. By highlighting the benefits to the children of cooperation and goodwill involved to make this a viable option, those clients for whom this is an option begin to see the custody evaluation as an aid in determining how best to structure the post-dissolution family. The evaluator becomes another human trying to assist the parties and the court discern the best interests of the child(ren). This is closest to the image that the evaluator has of him or herself. Allowing the parents to see how the evaluator sees the evaluator's role is a first step in assisting the communication process.

C. Sole Custody With Visitation.

This is the likeliest determination to be made when an evaluator is involved unless the evaluator has more progressive ideas about shared custody. The sole physical custody language is what raises the emotional stakes because it triggers almost the same emotional response as the exclusive custody language. Concerned parents are not anxious to be reduced to the role of a visitor in the lives of their children and are understandably panicked about the prospect of "losing" their children.

Fear by the client can generate behavior that is not productive in the course of a child custody evaluation and the attorney necessarily ends up playing the role of part-time psychologist in helping the client "get a grip" to effectively traverse the child custody evaluation. Helping the client appreciate how various factors will affect the outcome is critical. Surprisingly to attorneys, most clients in a custody dispute do not have a clear understanding of how a custody arrangement is often dictated as much by school schedules as any other factor when there is a significant geographical distance between parents.

Preparing the client before the custody evaluation is an exercise in communication preparation and often deter-

mines how well a client does in the artificial arena of a child custody evaluation where an evaluator is looking for "clues" to solve a mystery. Understanding that it is a mystery, knowing what "clues" might be considered important by the evaluator can be crucial in how the client communicates with the evaluator.

II. How to Prepare Your Client for the Evaluation

A. The "Easy" Cases.

1. Abuse/Neglect/Unfit Parents.

These matters are closer to child-protection matters than resolving custody in a typical dissolution. There is normally an abundance of evidence indicating that one parent is unfit. Alternatively, the pressure of the dissolution will cause the unfit parent to engage in behavior that sabotages their slim chances of obtaining custody. In any event, the issue is primarily one of proof, and can be approached in that manner.

Clearly, one can see that a child ought not to be with an abusive parent. Therefore, parents often attempt to avoid the artificiality of a custody evaluation by "simplifying" the matter to one of abuse, neglect or other unfitness of one parent. This is often a successful strategy, primarily because there is no penalty for failure. Rather than understanding that false allegations are themselves abusive to a child, some evaluators tend to assume that although the allegations don't rise to the level of abuse or neglect, they do clearly indicate which parent is the one with whom the child should reside.

In cases where there is actual abuse by the other parent, your client must focus on their regard for the children. Talking about what an evil person the other parent is will likely dilute the perception of actual evil that may exist, as an evaluator is accustomed to hearing bad things about the other parent, and it may immunize the evaluator against actually perceiving the true evil of the other parent. A more effective method is to have your client always discuss their ***Concerns For The Children*** regarding how the children are affected by certain behaviors of the other parent.

For example, "I am concerned about the children's eating and sleeping patterns when they are with _____. Perhaps I'm unnecessarily concerned, but peanut butter and jelly sandwiches three times a day doesn't seem to be satisfying their nutritional needs. I'm not a nutritionist though and I don't actually see what they eat when they are with _____, so I only know what the children tell me. If your investigation indicates that they are eating much better than what they tell me, that would make me feel much better."

This approach does not directly attack the other party and more importantly it enlists the evaluator as an ally on the side of your client in determining what is best for and protecting the children.

B. The Garden Variety Cases.

In a short time, probably less than 10 hours, an evaluator must interview all of the parties, take a snapshot of their lives at perhaps the most stressful point in it, and determine the future — that is, with which parent should the child primarily reside. While it is comforting to think that an evaluator will "know" what is best for children, the reality is that there is rarely sufficient time or money to allow an evaluator to get much below the surface of the family dynamics. Understanding that evaluators are very limited in what they can actually do, and that their expertise is much more limited than the system will actually acknowledge, will help shape your strategy for the child custody evaluation.

III. What You Should Do For Your Client

In any type of dispute, it has been said that if one can frame the issues one can determine the outcome. The dispute at hand is primarily what is best for the child. If one can succeed in having one's clients truly answer that question, the battle is primarily won, provided the answer is effectively articulated to the evaluator. If, on the other hand, one's clients answer that question disingenuously, or never answer it at all, or is not able to articulate the answer, it is less likely that your client's objectives will be achieved.

Clients, generally, want to do the best thing for their children. Like most other prople, their perceptions are also colored by their own self-interest. Asking clients to set aside their own self-interest while determining the needs of their children is fruitless. Far more fecund is an approach which weds the self-interest of the client to an accurate determination of the needs of the children. While this approach may appear to some to be a cynical manipulation of the system of custody determination, it is the only approach that harnesses the self-interest of the client to the interests of the children. For the attorney, helping clients feel victorious about an outcome they may not have initially favored, e.g., joint custody, will enhance a client's appreciation for your services.

First, your client needs to understand how artificial the custody determination is. Custody is determined by the perception of the evaluator at the moment of the decision-making process. The duty of the evaluator is to scrutinize the family and, with no contextual background, ferret out clues as to whose residence would be best for the child. Moreover, many studies have shown that psychologists are no better at determining when a client is telling a lie than anyone else, so their judgments may be based on erroneous information if one party lies.

(Of course, this is such a small risk because attorneys know that people going through a divorce and child custody dispute rarely lie. And we know this is true because no one is ever prosecuted for perjury which would surely happen if someone lied under oath.)

Very few evaluators are able to say "Judge, it doesn't really matter with whom these children live. Both parents can make this work if they choose to — what is really important is that the parents do their best for the children and devote their efforts to the welfare of the children rather than to venting anger and rage towards the former spouse."

Yet, this is probably the most appropriate recommendation in most cases. Studies show that children experience pros and cons living with each parent and that children derive distinctly differently benefits from their mother and father. However, our system wants to have a winner, so we have created custody experts to satisfy this desire by telling us who should be the winner.

As Lois A. Weithorn noted in the Preface to *Psychology and Child Custody Determinations*:

> An overall theme of this book is the message that, above all, humility and caution must characterize the involvement of psychologists in custody cases. There is much we do not know, such as what is "best" for children. Our assessment tools are limited; they can neither predict the future nor substitute for the wisdom of the court. The dangers of missteps and oversteps can be dramatic because of the consequences of the court's adjudication on the participants' lives.[1]

One of my favorite commentaries on psychological musings in general is by Neil Postman in *Conscientious Objections:*

> Scarcely anyone believes today that Freud was doing science, any more than educated people believe that Marx was doing science, or Max Weber or Lewis Mumford or Bruno Bettelheim or Carl Jung or Margaret Mead or Arnold Toynbee. What these people were doing – and Stanley Milgram was doing – is weaving narratives about human behavior. Their work is a form of storytelling, not unlike conventional imaginative literature although different from it in several important ways. [The] author has given a unique interpretation to a set of human events, that he has supported his interpretation with examples in various forms, and that his interpretation cannot be proved or disproved but draws its appeal from the power of its language, the depth of its explanation, the relevance of its example, and the credibility of its theme...
>
> The words "true" and "false" do not apply here in the sense that they are used in mathematics or science. For there is nothing universally and irrevocably true or false about these interpretations. There is no critical tests to confirm or falsify them. There are no postulates in which they are embedded. They are bound by time, by situation, and above all by the cultural prejudices of the researcher. Quite like a piece of fiction.

The point of letting your client know that evaluators are not omniscient beings who can predict the future with certainty is to help them to see their family situation from the evaluator's viewpoint. Communication theorists are well aware of the importance of the receiver of a message in accurate communication. Unfortunately, those conducting custody evaluations attempt to hide behind their "expert" status — that is, they hide their biases, their emotions, their humanity. To the extent that the client "buys into" the evaluator as unbiased expert, the client may not do the mental work necessary to good communications.

The evaluator cannot read the mind of the parents or of the children. The evaluator cannot determine what "really" happened, the evaluator cannot predict the future with any degree of certainty, the evaluator cannot stop from being influenced by prejudices and emotions, and the evaluator also desperately wants to appear to be an unbiased expert. If the client is aware of this, the client will tend to communicate with the evaluator in such a way that the evaluator can receive the message. If not, the client may not take into account the need for all communicators to be sensitive to their intended audience.

Seen from a communication standpoint the custody evaluation changes. How does one communicate that the best interests of a child will be served by giving the client what the client wants? What this boils down to is not only doing the right thing but also communicating the right thing to the custody evaluator. Unfortunately, most clients at this stage of a dissolution are so concerned with being able to finally "tell their story" to someone that they have very little regard for the audience.

Under these stressful conditions, how likely is it that the client will be able to communicate, as opposed to merely "unloading" or "attacking the other." How can this emotional state which prevents good communication be overcome? One means for alleviating some of the stress is to let some time pass. Another is to somehow enable the client to talk it out over and over until the need to unload has been met. Unfortunately, both of those methods have serious drawbacks in terms of the time of the attorney.

Client preparation is unquestionably the key factor in communicating effectively with the evaluator. If the issue is framed as one of communicating with another human who happens to be the evaluator, rather than one of somehow passing through the scrutiny of the all-knowing court-appointed expert, the client gains some modicum of control. This measure of control itself benefits the client, helping to relieve tension and to provide a focus for the incredible energy demanded by child custody litigation.

Second, your client needs to have an as realistic as possible notion of what the child actually needs. This is essential both in determining the proper course of action for the client (what does the client really want?) and in providing a focus for the task of communicating those needs to the evaluator. While it may be argued whether or not clients are capable of being realistic at this point in their lives, forcing the client to search for evidence that supports their belief can be quite helpful.

One factor in your client's ability to think clearly about the needs for their children is to reduce the anxiety associated with a custody evaluation. Again, if they see the evaluation as a determination of who is the better parent, or as a zero sum game, their anxiety level will be quite high. If, on the other hand, the client realizes that frequent and continuing contact with their child will be maintained by the court, and it is only the form of that contact that is at issue, they may be able to think more clearly.

One of the questionnaires that most evaluators have clients complete asks questions about the child. While this is helpful to the evaluator in discerning who the child is and what the child's needs are, it is also a lens through which to see the parent. By requiring the client to complete a questionnaire before the evaluation, two things are accomplished. First, the client has a better idea of what the child needs. Second, the client is better able to communicate to the evaluator both what the child's needs are **and** that the client has a clear idea of what those needs are.

While it may seem silly, it is important that your client is prepared in advance with information such as knowing the children's birthdays, their teachers, their medical providers, etc. Also, clients need to be told simple things like, don't buy the child a b.b. gun during the evaluation. Clients need to be told that most evaluators do not look favorably on corporal punishment and even if they have a different philosophy, the evaluation is not the place to discuss their philosophy and the benefits of whacking kids.

There are two published questionnaires used by evaluators, one is from the book *Solomon's Sword, a Practical Guide to Conducting Child Custody Evaluations*, by Benjamin M. Schultz, Ellen B. Dison, JoAnne C. Lindenberger, and Neil J. Ruther,[2] which is of course directed to evaluators themselves. The other questionnaire is called the Diamond Technique for the Assessment of Child Custody, and can be found in Leonard Diamond's 1989 book, *How to Handle Your Child Custody Case*.[3] Either or both can enable the client to better prepare for the meeting with the evaluator.

Third, the client should marshal any documentary evidence that might exist. This documentary evidence should be evaluated to determine how persuasive it might be to an evaluator, and what it would tend to prove or not prove. This exercise will help you represent the client's interests, of course. It will also put the client into the position of evaluating their situation from the standpoint of an outside observer. What, if anything, would an outsider tend to believe about this family merely from looking at the documentary evidence? If the client can make that determination, the client is well on the way to understanding the communication issues that determine so many custody evaluations.

Fourth, the client should be told to "act" the part of the good parent. That is, by consciously stepping into the "role" of the good parent, the client will be more aware of the ways to communicate that role to the evaluator. This necessarily forces the client to think about what a "good" parent looks and acts like. Once the client understands this from the standpoint of communicating with the evaluator, it is far more likely that these actions will eventually become internalized. Act the part long enough and you will become that part.

Fifth, the client must pay special attention to the well-being of the child during the evaluation. While it is assumed that all clients pay attention to the well-being of their children, during this stressful period special care must be taken to keep the needs of children uppermost in our minds. Telling the client this straight out is a waste of breath. However, telling the client that this is vital to allowing the evaluator to be able to perceive the special relationship between the client and the child may be more successful.

IV. Evaluators and Attorneys

It is important to know enough about the evaluator to help your client in communicating with the evaluator. What does this evaluator tend to focus in on, what is the hierarchy of values, what are the prejudices? Determining what the criteria are before a custody evaluation makes for a far better prepared client. This can be accomplished by calling the evaluator in advance and asking questions. Also, determine if the evaluator has any published writings. This information will help you prepare your client for the inevitable prejudices each evaluator possesses. Also, if you have written materials that you believe will help the evaluator see the case in a way that will assist your client's objectives by all means send them to the evaluator. Make yourself available to the evaluator during the course of the evaluation.

V. Some Final Thoughts

If one approaches the evaluation as an exercise in communication, strategies reveal themselves naturally. Suppose, for example, that your task is to "teach" the evaluator about the true dynamics of the family. Dumping all of the information on the evaluator at the very beginning of the evaluation would not be very productive, just as dumping an entire course-load of material on a student at the beginning of the class would not be very productive.

Have your client think about what is necessary to comprehend the family dynamics. Provide information at intervals so that the evaluator has a chance to digest the material. Provide the most important information at the beginning of the evaluation. The initial impression is critical. Studies show that people tend to make up their mind about matters very quickly and then proceed to gather information to support that decision. Evaluators are no different.

Your client should never assume that an evaluator will go out of his or her way to uncover additional information. Your client should have witnesses call the evaluator. Don't wait for the evaluator to call your witnesses.

VI. Conclusion

Preparation is the key to good communication. While attorneys are well-prepared to communicate to the judge before they arrive in court, they exercise little control over how prepared their clients are to present their family situation to the custody evaluator. Educating the client as to what an evaluation is like, the role it plays in custody litigation, and how your client can best deal with these challenges may be just what is needed to tip the evaluation in your client's favor.

The advice that I give clients as to the most important thing to remember when dealing with an evaluator (or court) is:

- it is critically important to **remember that only what is perceived to be the truth counts.**
- the actual truth is irrelevant if the actual truth is different. **You must be aware at all times as to how what you say and do will be perceived!**
- **Perception of the truth dictates the outcome regardless of the actual truth.**

Finally, go over the evaluation report with your client. Was anything left out that is extremely relevant? Was the client accurately quoted in the report? Were there any misunderstandings?

Now, once the report comes out in your client's favor, all you have to do is convince the court that this evaluator is truly an expert whose recommendations must be followed or we imperil the well-being of the children. Then again, if the evaluation is against your client, it is all psycho-babble, erroneous data, and dangerous conclusions and clearly the court should not abdicate its responsibility to do what is right for the children because of the temptation to follow the specious recommendations of this charlatan.

[1]Weithorn, Lois A., Editor, Psychology and Child Custody Determinations, Knowledge, Roles and Expertise, 1987 (University of Nebraska Press).

[2]Solomon's Sword, a Practical Guide to Conducting Child Custody Evaluations, 1989 (Jossey-Bass, Inc., San Francisco), ISBN 1-55542-141-5.

[3]Diamond, Leonard, How to Handle Your Child Custody Case, 1989 (Prometheus Books, Inc., Buffalo), ISBN -0-87975-543-1.

12. CRC Model Child Support Guideline

Donald J. Bieniewicz
Operations Research Analyst, Washington, DC

"Child Support Guidelines: The Next Generation" is the title of a book scheduled to be published in early 1994 by the Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services. This book was compiled and edited by Margaret Campbell Haynes of the American Bar Association's Center on Children and the Law. In this book is a model child support guideline that I prepared for the Children's Rights Council (CRC), in consultation with Laurie Casey, David K. Garrod, Ph.D., Roger F. Gay, Anna D. Keller, and John E. Siegmund, Esquire.

The CRC Model Child Support Guideline improves on most current guidelines in a number of ways, as follows:

• The Guideline is more accurate in that it makes greater use of actual data on the cost of providing for children. It utilizes the actual amount paid by the parents for certain categories of cost, such as the children's medical insurance. It relies on estimates of the marginal (incremental) cost of children in single-parent households (the situation that exists post-separation or where the parents never married) for other discrete cost categories, such as "housing" and "food."

• The Guideline is structured to be rebuttable when appropriate. Any cost estimates used in the Guideline must be tabulated, and, with their underlying assumptions and supporting data, published for public review. This will tend to improve the quality of these numbers. It will also allow parents to determine when their own circumstances differ significantly from those assumed in developing the cost estimates, so they can appropriately challenge and rebut the cost numbers normally used in the Guideline.

• The Guideline acknowledges and credits the costs of direct parenting by both parents. Most guidelines ignore the direct costs of the children to the noncustodial parent. Recognizing such costs is more equitable and will encourage important direct parenting by the noncustodial parent.

• The Guideline eliminates the "cliff effect" of guidelines that inappropriately assume no cost of the children to the noncustodial parent below some fixed number of days of care for the children. It does this by identifying certain "fixed costs" to the noncustodial parent, such as medical insurance and housing, that are constant year-round, and other "shiftable costs," such as food, that shift smoothly and continuously to the noncustodian as the amount of time the noncustodian spends caring for the children increases from 0 to 365 days per year.

• The Guideline better maintains work incentives. For example, income from work by each parent beyond some set number of hours per week, e.g., 50 hours, is not counted for the purpose of calculation of child support.

The CRC Model Guideline does not specifically address second families. The CRC view is that multiple approaches are possible, provided that the objective is to strike a balance such that each and every child of a parent is treated as having an equal call on the resources of that parent.

The CRC Model Guideline is more detailed than some existing guidelines, in particular, those that simply award a fixed percentage of the noncustodial parent's gross income. This is because the CRC views simple percent-of-gross-income guidelines as having too many liabilities to be acceptable. Such guidelines fail to consider, respect, and encourage parenting by the noncustodial parent. Also, they are too crude — at high incomes generating support awards that are well beyond the reasonable needs of the children, and at low incomes possibly yielding support awards that fail to meet children's basic needs. They can also generate awards that are unpayable because they exceed net income, which is why percent-of-gross-income is not used as the method for federal taxation.

People interested in obtaining a copy of the publication should call (202) 401-9383, which is the Office of Child Support Enforcement's Child Support Reference Center located at 370 L'Enfant Promenade, SW, Washington, DC 20447. There is no charge for the publication.

13. Court-ordered Mediation: Keys to Success

Marie Hill
Divorce Specialist/Mediator

Evelyn M. Wallace, M.S.W.
Beech Acres Aring Institute, Cincinnati, Ohio

Overview of Mediation

Mediation involves the intervention of an acceptable, impartial and neutral third party who has no authoritative decision-making power to assist contending parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute. The mediator acts as a facilitator, assisting parties in their efforts to make decisions cooperatively.

Over the centuries, various means of dispute resolution have been practiced. In China, the People's Reconciliation Committee places considerable importance on self-determination in all types of disputes. Conciliation services have been used in Japan since prior to World War II to assist individuals in resolving personal disputes.

In the New Testament, Paul encouraged the Corinthians to appoint people from their own community to resolve disputes rather than taking them to court.

In our own time, various ethnic institutions such as the Jewish Conciliation Board and Christian Conciliation Service have been established. Mediation is enjoying wider acceptance today in fields of labor, housing, federal and local court.

The Mediator

The mediator may be someone from a variety of disciplines, particularly law and mental health. A mediator has specific training and experience with people who are trying to resolve conflicts. It is the mediator's role to guide the decision-making process without taking sides or making decisions. The mediator maintains a confidential relationship with the clients and does not make recommendations to the court. This allows for a more open, honest discussion of all issues.

Litigation vs. Mediation

The United States is a litigious society. When people are in disagreement, they tend to turn to lawyers and courts for settlement. Most people accept this process, because it is what they know. It is also less threatening because it does not require close contact with the other person. Mediation necessitates interaction between the conflictive parties in order to come to agreement. Mediation is a cooperative process with a win/win emphasis which promotes honest, open communication.

Court Ordered Mediation

The difference in court ordered mediation is that it is not truly voluntary. To the purist, mandatory mediation seems contradictory to the voluntary and cooperative tenets upon which mediation was founded. However, there is data to show that many people are able to use the process of mediation successfully if given the opportunity.

Court ordered mediation is needed because:

- Many parents are unable to communicate on their own.
- The general public lacks knowledge about mediation.
- Parents believe mediation will not work.
- The courts need to alleviate the overloaded court system.

Keys to Success

1) Natural Love and Concern of Parents for their Children

Helping parents to focus on the needs of their children rather than the conflict between them is often the first step in engaging them in the mediation process.

2) Enlisting Support of Court Personnel/Attorneys

It is important to establish and maintain communication with court personnel who are making referrals. Involvement with attorneys early in the mediation process can provide a supportive atmosphere for resolving disputes.

3) Getting in the door/Overcoming Resistance and Resentment

The initial phone contact is important. This is the first opportunity to educate people about mediation, establish trust in the process, and offer encouragement.

4) Education — Receptivity of Clients

During the initial stages of the mediation process, clients can begin to be educated about the grief process experienced during divorce, receive information about developmental needs of children, and start to consider creative options of parenting.

5) Special needs of the Poor and Undereducated

Often written materials need to be revised so as to be more understandable. Sometimes extended family members need to be involved. Individual coaching of negotiation skills may be helpful

In summary, Court-Ordered Mediation presents a challenge which requires awareness of possible client resistance to the process. Because of the adversarial nature of the court system, there is additional stress and heightened emotion. Mediation thus requires respect and patience. Court-Ordered Mediation can offer parents the opportunity to regain some balance in their lives and assist them in making decisions affecting their children. Informal research indicates that about one-half of court-ordered mediations are successful.

14. Working With The Media

Eric Anderson
Coordinator of CRC of Texas and Coordinator of CRC chapters

David Dinn
Coordinator of CRC of Indiana

As an activist for social change, your activism may take shape in many forms. You will help others by providing support to help them through their trauma, work locally to reform courts and commissions, or work state-wide or nationally to effect truly systemic change. What do all these have in common; the need to work effectively with media.

While change must be made to our state laws, we must also change the public's perception of the extent and nature of the problems. The media is able to form people's perceptions about issues, especially issues that they have never been personally exposed to. How do we as activists change and/or shape public opinion?

To change public opinion, we can pass out leaflets on cars, speak at the Rotary club, or get our message out through print and visual mediums, with the latter by far providing the greatest coverage and credibility. As activists, we must learn how to get our message across in order to break the current impressions that have been forced upon us by much of the media hype.

For any activist group to succeed, that group must first develop strategies for developing media contacts and working with the media to get the group's message and agenda across in a cohesive and well-orchestrated manner. Developing media contacts and nurturing those contacts takes time and effort and will not occur overnight. Media people are like anyone else, they must be educated on the issues. They have developed their opinions based on their own experiences or what information others have given them.

Before you are able to educate the legislature, the media, or the public, you must do research on your issues and develop an extensive data base and library. Rely on professional journals and books and build a library of quality books and articles. Your networking (while not a part of this article, networking is a must for your group to succeed and prosper) will help here and don't forget to conduct your own research if you find a void that needs to be filled.

Once you have a good library of credible information and data, prepare "media packets" for a number of issues (i.e., joint custody, false allegations, access denial, child support, etc.). These packets should include excerpts or abstracts from good articles or papers, clippings from other papers or magazines, or book titles with a description. Do not send entire articles. The idea is to provide sufficient information to "peak their curiosity" and hopefully get them to call you to talk about the issues. Another thing you can do is to glue-up numerous article titles, quotes from books and articles, and other data to form a collage of information. Always have references available for any statistics you quote.

Send these packets to reporters following stories that have a tie-in to your issues or where a story is close to your issues. Follow this up with phone calls to the reporter and offer to meet and discuss the issues. Always be professional and friendly, and generally, stay away from your personal story (it's better to use other's stories instead and act as organization spokesperson on the issues). Get to know key press people on a personal basis and never attack the press.

Write Letters to the Editor

When you see articles on custody, child support, or gender bias in the newspapers, start letters to the editor to voice your views and get those issues in the public domain. The letters to the editor column is the most widely read section of any newspaper and is a free forum. If writing about a locally written article, use facts and data to make your arguments, (reference your letter) instead of openly attacking the reporter. Follow-up with the reporter with hard data proving your assertions and showing the problems with their article. It may be that they had bad information when they wrote the original story.

If at all possible, work with the local paper(s) to get them to print an opinion piece (or op-ed piece) from your organization. This will provide credibility to your organization and put your name in the public as an expert on the issue(s).

Another way to get the media's attention is to issue press releases. Send them to the various media (newspaper, radio, television, etc.) in your area. Make sure the press release is short (one page), will catch one's eye, and has quotes that can easily be turned into good "sound-bites." Make sure that there is an easy way for the media to get in touch with someone about the release. Remember to always return media calls promptly, they are usually under deadlines, so a rapidly returned call may be the difference between being quoted and not getting your issues in print.

Our children can't benefit if our policymakers and the public don't understand the issues. It's our job to present the issues so that the public and others can understand and identify with them, even if the individuals aren't or haven't been affected by them.

15. How to Work with Courts and Commissions

Harvey Walden
Coordinator, CRC of Maryland

Members of the Children's Rights Council of Maryland have been working over the past three years with the Governor's Task Force on Family Law, an appointed statewide commission charged with recommending reforms in the Maryland family law statutes that can be enacted into law by the General Assembly. Our members have served on various subcommittees of the Task Force, have attended many hours of meetings and deliberations, and have attended and testified at public hearings held throughout the state.

Also, a panel composed of C.R.C. of Maryland members has held informal off-the-record discussions with the Domestic Relations Masters office in Montgomery County, Maryland and suggested ways in which C.R.C. of Maryland might assist in improving implementation of the family law statutes on a local level in accordance with the C.R.C. philosophy of assuring a child's right to two parents regardless of marital situation.

In order to serve on commissions, committees, and subcommittees, it is important to:

- Offer your title and organizational affiliation prominently only if it will assist in your initial appointment,
- Suggest that gender balancing the composition of the overall committee and each individual subcommittee is necessary,
- Have alternate members available to attend meetings on dates when conflicts inevitably arise,
- Be polite, but firm and persistent, in presenting your views repeatedly, as necessary,
- Be prepared to invite outside experts who can address the committee on specialized areas (e.g., joint custody, visitation or access, etc.), and
- Suggest the preparation of a minority report if your views are not adequately reflected in the majority opinion, and be sure this receives equivalent distribution.

In working with the Courts, it helps to:

- Be polite and ever so humble in presenting ideas which, despite being eminently reasonable, may well be viewed as radical or threatening by the entrenched legal establishment,
- Limit requests to reasonable small-scale reforms at first that can be easily implemented and later expanded when proven successful,
- Document all discussions in written meeting minutes and liberally distribute these, and
- Try to gain the support of local private attorneys and social service professionals (e.g., mediators) who can write or speak on the organization's behalf.

When presenting testimony at public hearings, try to:

- Arrive early to sign in before all the testimony "slots" are filled,
- Use notes while speaking to keep yourself on track, but do *not* read from a prepared script,
- Keep to the stated time limits for speakers,
- Offer personal experiences or "war stories" as background, but do not focus on these exclusively,
- Invite and be prepared to answer and questions on your testimony,
- Distribute written copies of your full prepared statement (Not necessarily what was spoken verbatim), and
- Try to speak informally to as many members of the commission as possible during breaks in testimony or after the session ends.

16. International Policy Developments in Financial Child Support and Custody Law

Kenneth H. Skilling
CRC Senior Policy Analyst, Washington, DC

Introduction

With the development of international communications, family issues, like so many other matters, have a new dimension. Children of divorced families are much more likely to travel to other countries, and problems can arise from this — hence, such developments as the Hague Convention on International Child Abduction. Governments in one country tend much more to look to other countries for guidance on family policy — hence, such developments as the use by other countries of child support formulas developed in certain U.S. states. Trends in the family are much more easily communicated from one country to another, because of international travel and the globalization of TV programs.

While this process has a distinctly negative side (for example, forces promoting family breakdown spreading), it also has a positive aspect. Many of the consequences of changes in the family do not become evident for a generation. Although large cultural differences can be a limiting factor, one country can look at the experience of another country, and draw lessons about the implications of social changes affecting the family. Perhaps one country will decide in time not to follow trends in another, because they have seen the long term consequences. More immediately, the practices adopted by one country in such matters as child support formulas, custody arrangements, and dispute resolution mechanisms can serve as a practical guideline for other countries. The wheel does not have to be reinvented in every country separately!

Hague Convention on International Child Abduction

(Presenter: Kenneth Skilling, CRC Senior Policy Analyst)

The Children's Rights Council has been active in the administration of the Hague Convention on International Child Abduction. CRC representatives have been in touch periodically with the U.S. Department of State in regard to U.S. participation in the convention.

The Hague Convention provides a mechanism to ensure that the custody decisions made by a court in one member country are not overturned by a court in another member country. Thus, if the convention is operating properly, a parent will not be able to abduct children in one country, take them to another country, and there relitigate the issue of custody.

The central feature of the convention is the principle that children have a "country of habitual residence." They must not be permanently removed from that country by one parent over the objections of the other, and if they are removed, convention member states have bound themselves to take steps necessary to ensure that the children are returned to their country of habitual residence.

The CRC's involvement with the convention has been directed at two objectives. One is to ensure that the convention protects access by noncustodial parents, as well as the rights of custodial parents. Specifically, CRC representatives have sought to ensure that U.S. State Department material on the convention gives proper emphasis to the fact that noncustodial parents have protection, and that the convention is not merely a mechanism for enlarging the control of custodial parents. Children must be returned to their country of habitual residence, even if they have been removed by the custodial parent. The contacts between noncustodial parents and their children must not be severed, or made substantially more difficult and expensive, by unilateral decisions by custodial parents about where the child is to live, if those decisions violate the principle of country of habitual residence.

Another purpose of CRC involvement in the administration of the Hague Convention has been to ensure that it is not subverted by courts in various member states, or even by the actions of member governments. There are obvious political problems for country "A" when the convention would call for the children of a country "A" national being returned to country "B," because that is their country of habitual residence. In this context, the CRC has been in touch with counterpart organizations in other countries.

Finally, the CRC — in association with Grandparents United for Children's Rights, Mothers Without Custody, and the Stepfamily Association of America — approached the secretariat of the Hague Convention in the middle of 1993, to raise some of these concerns. Ultimately, a meeting was held with Adair Dyer, the official in the Hague who has the main responsibility for the convention. We received assurances that, in the administration of the convention, the concerns we raised would be kept in mind. We are in continuing contact with Mr. Dyer, and are confident that issues affecting noncustodial parents will be given a priority they have not had before.

We are interested to hear from other countries about what has been their experience in cases under the Hague Convention.

Child Support in the United Kingdom

(Presenter: Trevor Berry, Chairman, Families Need Fathers)

During the last year, the administration of child support in the United Kingdom has become very controversial. Frequently, it has been on the front pages of British newspapers, and is the subject of heated debate.

New legislation (with a child support formula apparently using principles similar to Wisconsin) has been adopted. The Child Support Agency applies this formula to individual cases.

According to critics of the agency, in an effort to make the numbers look right, the Child Support Agency has concentrated its attention on responsible fathers who are paying child support, not on those who are falling behind on their payments. The priority has been raising the amounts responsible fathers pay, frequently by two and three times. Legal arrangements made by divorcing parents have been overturned. This is a particular source of difficulty for fathers who entered into agreements giving their ex-wives the family home in return for lower child support payments, and now find their payments are doubled or tripled, without regard to the other elements in the settlement.

The result has been an enormous growth in militancy in the fathers' movement.

The London-based Families Need Fathers organization has put forward a package of reforms that would: reduce the likelihood of retrospective changes in arrangements already made; protect a portion of fathers' incomes (so that they would have an adequate standard of living, and would not be prevented by financial considerations from seeing their children); create a co-parenting premium, as a financial incentive for mothers to share children with fathers; and change legislative language to remove terms like "residence" and "non-residence" and parents "with care" and "absent parents."

Swedish Proposal: 'The Gentle Separation'

(Presenter: Ingvar Persson, Vice President, Umgängesrätts Föräldrarnas Riksförening)

The Swedish organization Umgängesrätts Föräldrarnas Riksförening (UFR) has drawn attention to the deficiencies in the conventional procedures for separation, custody and visitation. Although formally dedicated to the best interests of the children, in fact these procedures are very damaging, and usually result in one parent being eliminated from the family.

UFR says that, in addition, the primary costs of separation and custody disputes are very high to the individuals involved. Furthermore, the secondary costs to society of the emotional damage to those involved are also very large, and are manifested in psychological illnesses, crime, and other negative consequences that are very costly to society.

UFR has suggested a different pattern for resolving family breakups, in which the court system would be involved only at the end of the process, and the adversarial aspects would be minimized. This proposal, "The Gentle Separation," would draw on resources already available through social service agencies, the courts, and other organizations in Sweden.

The process would take different forms, according to the circumstances of each family breakup. The common element in all the mechanisms for resolving problems would be a "family court committee," whose members would be determined by the seriousness of the problems to be resolved. At the simplest level, where there was general agreement between the parents, the family court committee would consist of a legal expert, a financial planner, a psychologist, and a senior social worker (who would act as coordinator). Drawing on the expertise of committee members, the family court committee would attempt to work out a settlement. This then would be submitted to the court, whose role would largely be that of ratifying it.

More serious disputes between parents would result in the involvement of additional family court members (e.g., a mediator would be involved at a second level of difficulty, and a police investigator would be involved if disputes were sufficiently serious as to involve allegations of criminal misconduct).

17. How to Communicate Productively with Your Former Spouse

Kris Kline
Co-author of the book titled "For the Sake of the Children," and coordinator, CRC of Florida

Ways to Bring About Change

Parental Responsibility Recommendations for Disunited Families:

1. Acquire effective divorced (disunited) parenting skills.
2. Practice positive co-parenting.
3. If access is being interfered with, don't give up hope, and continue to work toward a relationship with your children.

Public Policy Recommendations:

1. Urge creation of an *effective* federal strategy for enforcement of parental access stipulations, perhaps as part of the Family Support Act.
2. Support implementation of court-mandated divorce parenting classes.
3. Encourage expansion of divorced parenting classes to quarterly sessions for one year.
4. Support federal guidelines for divorced parenting classes.

Presentation

While preparing for this workshop, I asked my friend, Bob, what had inspired him to learn to communicate productively with his former wife.

"It was cheaper than family therapy," he said.

While I knew he was being somewhat facetious, his answer nevertheless reflected an attitude change among many divorced parents today. They are beginning to recognize the necessity of communicating productively with their children's other parent. To Bob, it hadn't been a question of whether or not to learn to communicate positively with his former wife; it was merely a question of whether he had to get counseling in order to do it. Because our society is beginning to recognize that children do best when they have the personal involvement of both parents, it follows that parents must learn to communicate at least well enough with each other to set schedules, transfer children from one parent's residence to the other's, and tend to the business of raising their children.

Children of divorce want to be allowed to love both parents without having to take sides. They are not necessarily asking their parents to get along with each other, but merely to keep their disputes separate from their children's lives. Divorce, by definition, is "not getting along." However, even in conflict, it is possible to confront situations and manage anger so that mutually beneficial solutions can be invented or discovered and implemented.

Parents who spend time with their children are more apt to take financial responsibility for them, and vice versa. Because parents' personal involvement with their children is so crucial to the child's development, it is important that parents learn to communicate with each other well enough to co-parent their children productively.

Human behavior is dictated by conscious choice. You may choose to reveal your anger at your former spouse by screaming, throwing tantrums, name calling, complaining to others, becoming physically violent, or by using a myriad of other communication patterns that reflect self-indulgence and lack of control. Or you may choose to control your angry feelings and behave toward your children's other parent with dignity and self-restraint. Although the behavior of your children's other parent may, in your opinion, break the rules of civility, that is no excuse for you to retaliate, particularly in front of your children.

The idea of interacting amiably with people without friendship or respect is not new. Most of you at one time or another have had a superior at work, a teacher at school, or perhaps a co-worker or an in-law, whom you didn't like. You may have thought this person was incompetent, surly, overbearing, chauvinistic, unreliable, or any other number of unflattering things that accounted for your distaste of this individual. Yet chances are you could get along with this person well enough to get the job done. You communicated with this person from the perspective of your position, rather than from any personal feelings.

While your relationship with your former spouse may feel far more volatile than your relationship with anyone else, your goals here are far more urgent. You want to improve the situation of a disunited family for the sake of your children. For those of you who are presently being denied access to your children, the time will come when you are reunited, and it will be especially important that you are able to create a positive parenting role model for your children. One way to do this is to learn to communicate productively with your children's other parent.

This isn't always easy. Evidence suggests that there is often gender-based miscommunication between the sexes. While men often tend to focus on establishing status and independence when they communicate, many women tend to focus on intimacy. To many men, making decisions without consulting a spouse is a sign of independence, while checking with a spouse means seeking permission, which implies being under her control, as a child or underling. Yet, in the vast majority of divorced families today, the mother is in legal control of the children. This gender-based con-

flict can add to the difficulty of communication between former spouses.

In a related mode of behavior, men tend to give orders while women are more apt to express themselves through suggestions. For example, a man might say, "Have Tommy ready by eight," while a woman might say, "How about having Tommy ready by eight?"

Both men and women can help overcome this block to communication. One approach is simply by recognizing that it exists. When a woman understands that her former husband is not trying to push her around by giving orders (i.e., "Have Tommy ready..."), but is merely using language in a different way, she will be better able to focus on the reason for the communication (i.e., transferring the children from one residence to another) rather than on the style of the language.

Another approach to a clearer understanding is to change one's style of expression. If a man is aware that by rephrasing his message into a suggestion ("How about having Tommy ready...?"), it will be better received, he can then focus on the reason for the communication rather than on his need to resist being told what to do.

Particularly in a divorce situation, communication is by nature affected by issues of control and conflicting aspirations. Where many men accept conflict as natural in a relationship, many women perceive it as a threat. When a father requires a change in parenting time, the mother may inaccurately assume her position is being threatened. When the child support payment is late, she may determine her security and that of their children is in jeopardy. Because many men equate money with power and self-sufficiency rather than with security, the discussion of child support between divorced parents is inherently complex. It's as though they are discussing two different issues.

Both men and women can benefit from learning each other's style of communication. When one's style isn't working, more of the same won't help. Flexibility in communication styles can be useful.

Most of the challenges in our lives require us to adapt to situations presented to us by life. Those of us who are flexible adapt more easily and suffer much less long-term anxiety and emotional trauma about those changes in our world. The more skilled we become at managing change, the more flexible we become.

Flexibility Exercise

One key to developing new patterns of communication in a relationship is to learn to develop your language into neutral, factual, nonblaming statements. One cardinal rule to remember is that it is usually more productive to begin a sentence with words such as "I feel..." rather than the word "You..." For example, it is much less threatening for a listener to hear the phrase "I feel the children would enjoy seeing more of you" rather than "You should see the kids more often."

Remember, the objective here is to communicate in a nonblaming way and avoid setting up a situation where the other person feels the need to defend his or her actions. Tact, poise, and carefully thought-through phrasing are commonplace rules in work or professional settings. Recognizing the child's other parent as a partner, associate, or co-worker denotes a different mindset from that we often adopt in our personal lives. Yet this is exactly what a healthy divorce creates: a partnership where the goal or job is that of raising the children.

Nonblaming Models

When trying to persuade your parenting partner on any given issue, remember that you may lack credibility with him or her. This is important because a low credibility source has a difficult time changing someone else's opinion. The most productive approach a low-credibility communicator can take is to argue against his or her own best interest. For instance, suppose you want to take your children to CT to see their grandparents, which means picking them up on Friday night instead of Saturday morning as per court order. You could say to their other parent, "I want to take the children to see their grandparents." This phrasing, however, is arguing in your best interest. Instead you might say, "It seems as though the kids and I have hardly any time alone together. However, they haven't seen their Grandma and Grandpa Kline in months. How do you feel about me taking them for a visit next week?"

Your effectiveness in persuasion might also be increased if you initially express some views that are also held by your children's other parent. For example, "I know you feel it's important that the children spend time with their extended family..."

One more technique which is useful to know is that an appeal is more persuasive if it requires active, rather than passive, participation by the listener. You might include the children's other parent by involving her or him in planning what the children should bring with them on their trip.

In order to learn to communicate with your children's other parent, it will be helpful to consider their perceptions of this other person. You will want to study your former spouse from your child's point of view. This will require listening to them so that you can share in their frames of reference. It is also sometimes helpful to remember that at one time you saw something likeable in your child's other parent.

If a disagreement does arise, try taking the position (often taken by the stronger of two parties in a dispute) of owning up to responsibility for at least part of the conflict. The stronger of the parties may have the strength and sense of self-worth not only to own up to part of the discord but to go further, and take blame for the whole thing: "I'm sorry. This whole thing is my fault," whether it is or not. "What can I do to make this thing right with both of us?" Getting past the notion that somebody has to be at fault lays

the groundwork on which to negotiate a productive solution.

Learning to communicate productively with your former spouse is crucial to the well-being of your children. As with any skill, proficiency in communication improves and sharpens with practice, until it becomes second nature.

18. Networked Parents: *Using Electronic Networks for Information, Advocacy, and Moral Support*

Anna Keller
a CRC vice-president

I. What are the electronic networks? A quick overview of Internet, Usenet, Compuserve, America Online, bulletin board systems, etc.

II. What's on the electronic networks? Electronic mail, electronic discussion groups, ways to retrieve documents using gopher and ftp; international dimensions.

III. Selected resources for divorced and separated parents: alt.dads-rights, alt.child-support, FREE-L, FACE, and others.

IV. Examples of using networks for:
   A) INFORMATION: statistics, documents, news
   B) ADVOCACY: legislative alerts, electronic mail
   C) MORAL SUPPORT: advice, perspective, humor, reality checks....and communicating with your kids

V. Getting access to the electronic networks: what does it take? Accounts through employers; anonymous use via public connections (libraries, freenets); personal accounts through vendors.
   A) COSTS
   B) CAVEATS: privacy and confidentiality
   C) NETIQUETTE

VI. CRC on the electronic networks: some possibilities:
   A) Electronic distribution of publications
   B) Email conferencing and communications
   C) Legislative alerts and action

19. Parent Action: A National Association for Parents

Bernice Weissbourd
PARENT ACTION President, Baltimore, Maryland

Parent Action is a national membership association that works in partnership with parents to improve the quality of life for America's families raising children. Membership in Parent Action is open to parents, grandparents, and others concerned about strengthening and supporting parents' ability to parent effectively.

The organization was conceived by Dr. T. Berry Brazelton, Bernice Weissbourd, and Susan DeConcini in response to parents' distress that their role as parents was not respected and therefore their children's needs, as well as their own, were continually being compromised. Parents find it difficult to balance their work and family lives, deal with the onslaught of conflicting information, restore a sense of community to their increasingly isolated lives, and understand how they can play a role in shaping the policies and practices that affect their lives and the lives of their children. Parents are acutely aware that they are raising their families in a new era—one which does not match their own experience and for which they may have no models.

The co-founders recognized that while there were organizations representing the interests of almost every group, there was no association to represent the multiple and unique needs of today's parents. Parent Action, therefore, has developed a variety of ways in which its thousands of members can participate flexibly in the association, depending on individual needs and time constraints.

Parent Action brings to public attention the issues and concerns of parents, provides information and services that assist them in nurturing their children, and works in partnership with them for social, political and workplace changes that will have a positive impact on family life. The association carries out its mission through:

- Educating employers, policy-makers, service providers, the media industry, and general public about the importance of preserving and strengthening the role of the parent
- Working toward the implementation of policies that will support the healthy development of children and families (the recommendations of the National Commission on Children.)
- Building a strong national voice for parents
- Assisting parents to become effective change agents in their own communities
- Providing parents money and time-saving services and ideas
- Disseminating information on a wide range of issues that concern today's families

Objectives and Organizational Goals

GOAL 1: To ensure that the views of parents are represented in national policies that affect families and children.

Objective A: *Build and maintain a membership base of sufficient number to be a policy force, through:*

- The media, both print and electronic, local and national
- Program of discounts on goods and services that save parents time and money
- An extensive affiliate and corporate member network
- Conferences and workshops

Objective B: *Help parents articulate their concerns and create public awareness of the need to respect and strengthen the role of parents, through:*

- Big Listens and other townhall-type meetings
- Parent surveys
- Focus groups in existing community-based parent programs
- Use of the media

Objective C: *Advocate on the national level, representing the perspective of parents, and supporting the recommendations of the National Commission on Children, through:*

- Representing parents in coalitions with other national organizations working to enact legislation and policies that strengthen and support families and children
- Lobbying policy makers on legislation affecting families

GOAL 2: To assist parents in their nurturing roles and as participants in policy decisions.

Objective A: *Provide information to support parents as parents and family members, through:*

- *Short Cuts*, informational packets for parents on a wide range of current issues
- Resource and information services for parents, connecting them to organizations and services.

Objective B: *Provide services parents seek to enable them to more effectively impact policy decisions, through:*

- Parent Leadership Training for parent groups, school systems, and child care networks
- Technical assistance as follow up to leadership training or as requested by groups

Objective C: *Build state and local networks, through:*

- Technical assistance and support to parents who want to form chapters, either as individuals or as members of compatible organizations
- Working with leadership in states to develop funding and grassroots organizing strategies for State Parent Action Networks
- Relationships with local parent publications, media, and other organizations to disseminate information at the state and local level

20. Aggression and Violence

John L. Bauserman
Vice-President, Children's Rights Council, Alexandria, Virginia

Introduction

Violence is a pervasive problem. It has been estimated that between 1820 and 1945 at least 59,000,000 people died as a result of war, murder, and other deadly activities (1). The massive amount of literature on violence indicates that societal violence - war - and individual violence are on the whole different but, of course, with some overlap. A survey of the literature indicates that a wide variety of factors either singly or in combination cause or at least contribute to individual violence including physical and emotional child abuse, brain trauma, low self-esteem, poverty, overcrowding, disease, diet, drug abuse, alcohol abuse, nerve system damage due to trauma, disease, or chemicals, easy access to weapons, glorification of violence in the media, lack of punishment, lack of monitoring, lack of values, etc. Representative examples of research in some of these areas are presented below.

Social Conditions

Thoughtful works by Gerda Siann (2) and Anthony Storr (3) correctly point out that in Western societies, the majority of people who commit violent acts in peacetime come from the lower socioeconomic strata and in general feel humiliated, inadequate, ineffective, helpless, etc. Siann feels that people in these circumstances all too often believe that violence is the only way they can make themselves felt or impress others and that the subculture in which they live is likely to reinforce this by placing positive value on violent behavior. For example, one young man in Washington, D.C., explained to a reporter that guns were not just for gangs or drug dealers but for anybody looking for a reputation and that the more powerful the ammo you had the more respect you got (4).

Family Background and Family Configuration

Many authorities agree that a family background in which parents are cold, rejecting, physically punitive, and fighting with each other is conducive to producing aggressive youths with future antisocial and violent behavior (5). In general, parents who batter their children were battered themselves. Research has disclosed a pattern of three generations of abuse in some families (6).

Single-parent households are associated with higher homicide rates. For example, one analysis of 21 macrolevel studies found a cluster of factors that have a clear and pervasive casual influence including median income, percent of families below the poverty line, and the percentage of single parent families (7).

Drugs and Alcohol

Alcohol, some drugs including amphetamines, some disease conditions such as hypoglycemia, and diet can cause increased aggression by reducing the amount of serotonin in the brain. Serotonin is an important component of the neural mechanism inhibiting aggression (8).

Forty to fifty percent of individuals in penal institutions in the U.S. have had serious drinking problems. A study of homicides in the Philadelphia area found that in nearly two-thirds of the cases either the offender or the victim or both had been drinking immediately before the killing (9).

Drug addiction not only interferes with serotonin production but also creates such intense cravings that addicts often commit violent crimes to get the money required to maintain their habit. Crimes by addicts dominate some urban areas and are also associated with deadly gang warfare and murderous behavior by drug dealers.

Disease

Diabetics may suffer from hypoglycemia (lowered blood sugar). This condition may also occur when an individual produces too much insulin because of a tumor of the insulin producing cells, an insulinoma. As mentioned above, hypoglycemia interferes with the amount of serotonin in the brain and is an important component of the neural mechanism inhibiting aggression. In one case a young man was referred as a psychiatric emergency on account of bouts of aggressive and destructive behavior and had no subsequent recollection of the episodes. He was later found to have multiple tumors of the insulin producing cells of the pancreas (10).

Brain Dysfunction and Disease

Epilepsy, especially when the focus of the epileptic discharge is found to be in the temporal lobes, has long been observed to be associated with outbursts of aggressive behavior. Electroencephalograms (EEG) have indicated a link between disturbance of brain function and aggression and that personality disorders involving antisocial conduct are especially likely to be associated with abnormal activity in the temporal lobes and that the abnormalities reflect cerebral immaturity, in that the brain waves are of a type found in children rather than adults. The supposition that such cases are related to delay in the process of maturation is supported by the fact that aggressive and antisocial behavior declines with age (11).

For example, in a review of EEG's on 333 men convicted of violent crimes - 206 who had a history of habitual

aggression or explosive rage and 127 who had committed an isolated act of aggression - it was found that the majority had abnormalities. In the habitually aggressive and explosive rage group it was found sixty-five per cent had abnormalities compared to twenty-five percent in the isolated act of aggression group. However, eighty percent of both groups showed dysrhythmias known to be associated with temporal lobe dysfunction (12).

Storr also points out that head injury, viral diseases affecting the brain, and some cerebral tumors may also be responsible for uncontrolled aggressive behavior.

Diet

Increases in criminality and violence have been historically associated with periods of famine and general protein and carbohydrate malnutrition. It was recently found that countries above the median in corn consumption have significantly higher homicide rates than those whose corn consumption is below the median. Corn consumption has been seen experimentally to result in low levels of brain serotonin (13).

Violence and the Media

One recent study found that children as young as 14 months imitate what they see on television. Surveys of young male prisoners indicate that 22 to 34 percent had consciously imitated crime techniques learned on television (14).

A longitudinal study followed 875 boys and girls for twelve years and found a significant link between aggression and violent television. The link was in both directions with aggressive children watching more violent television which in turn made them more aggressive. The young men in the sample, by the age of 30, who had watched the most television had committed more serious crimes, showed more aggression while drinking, and administered harsher punishment to their children than those watching less television (15).

Conclusions

Just as the research and literature indicate a wide variety of factors cause or contribute to violence, they also indicate a wide range of solutions must be applied. No one solution is even close to being comprehensive, but taken as a whole they can make a considerable difference in decreasing violence.

By far the most important is comprehensive medical and mental health care (including alcohol and drug abuse treatment) for all Americans regardless of their income. This includes expanding health education programs already in the schools emphasizing when medical and mental health care must be sought and where it can be found. Because the evidence indicates punitive child rearing methods are likely to produce aggressive children, such parenting methods should be discouraged through these programs by adding a parenting component to them.

The evidence demonstrates that by far the majority of violent offenses are committed by people from the lower socioeconomic levels of society, and are individuals most likely to feel neglected, unappreciated, and have low self-esteem. Therefore any programs which reduce inequality, reduce poverty, provide socially valued work, and raise self-esteem are likely to reduce the level of violence.

Other solutions which will help are teaching responsible use of alcohol, gun control, lessening of TV violence, appropriate punishment (especially incarceration of habitually violent criminals), more law enforcement officers, and more emphasis on teaching values by parents, teachers, and religious leaders.

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About CRC

The Children's Rights Council (CRC) is a nationwide, non-profit IRS 501(c)(3) children's rights organization based in Washington, D.C.

CRC favors family formation and family preservation, but if families break up, or are never formed, we work to assure a child the frequent and continuing contact with two parents and extended family the child would normally have during a marriage. Our motto is "The Best Parent is Both Parents."

For the child's benefit, CRC seeks to demilitarize divorce between parents who are involved in marital disputes, substituting conciliation and mediation for the adversarial approach, and providing fair financial child support. We also favor school-based programs for children at risk.

Formed in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education, CRC has chapters in 26 states and three national affiliate organizations: Grandparents United for Children's Rights (GUCR), Mothers Without Custody (MW/OC), and the Stepfamily Association of America (SAA).

Prominent professionals in the fields of religion, law, social work, psychology, child care, education, business and government comprise our Advisory Panel.

For further information about membership, publications, cassettes, catalog and services, write: CRC, 220 "I" Street, NE, Washington, DC 20002, or call (202) 547-6227. Our fax number is (202) 546-4CRC (4272).

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Reston, Virginia

Ethel Dunn, Executive Director
Grandparents United for Chlidren's Rights
Madison, Wisconsin

Phyllis Diller, Comedienne
Los Angeles, California

Meyer Elkin, Co-Founder
Association of Family & Conciliation Courts
Beverly Hills, California

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Former Member of the Board of
Directors New York City N.O.W.
Leucadia, California

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New York, New York

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Professional Director, Family Mediation
of Greater Washington, DC

Jonathan M. Goodson, President
Mark Goodson Productions
Los Angeles, California

Ronald T. Haskins, Ph.D., Associate
Director, Bush Institute for Child and
Family Policy, U of NC, Chapel Hill (1978-85)

Jennifer Isham, President
Mothers Without Custody (MW/OC)
Crystal Lake, Illinois

Joan Berlin Kelly, Ph.D.
Executive Director
Northern California Mediation Center

Elisabeth Kübler-Ross, M.D.
Author, Psychiatrist
Head Waters, Virginia

Vicki Lansky, Author/Columnist
Deephaven, Minnesota

James Levine, The Fatherhood Project
The Bank Street College of Education
New York, New York

Dr. Carl H. Mau, Jr.
General Secretary (1974-85)
Lutheran World Federation
Geneva, Switzerland

John Money, Ph.D., Professor of
Medical Psychology and Pediatrics
Johns Hopkins University and Hospital
Baltimore, Maryland

Kevin Ricker, President
Stepfamily Association of America
Lincoln, Nebraska

Debbie Stabenow
State Senate, Michigan

CRC Chapters

CRC seeks to form chapters throughout the country, in order to assist the citizens of each state with that state's unique laws. Custody reform is primarily handled on the state level, although Congress is entering the field more and more. Problems cross state lines. What happens in one state or in Congress affects all of us. We must have a strong national organization, with strong state organizations, to have greater effect on public policy.

If you are part of a national network, you will generally get a better reception than a group that is limited to one state or community.

Coordinators of our state chapters maintain contact by mail exchange and cross-country telephone conference calls between the chapters and CRC national. In this way, chapters can benefit from each other and do not have to constantly "re-invent the wheel."

Chapters exist in 26 states.

If you live in a state where there is a CRC chapter, we urge you to join the chapter. In this way, you will be networking with a chapter and national CRC to reform custody law and attitudes around the country. By becoming a member of the chapter, you also become a member of national CRC.

If you would like to learn if a chapter is forming in your state, or if you would like to form a chapter in your own state or community, write to CRC for our Affiliation Booklet.

This 37-page booklet explains everything you want to know about affiliation.

After reviewing the booklet, write to Eric Anderson of Texas, CRC chapter coordinator, for further information. Eric's address is listed below.

Note: CRC's name is protected by federal trademark law.

National Affiliate Organizations and Chapters

National Affiliate Organizations

Mothers Without Custody (MWOC)
P.O. Box 27418
Houston, TX 77227-7418
phone (713) 840-1626
Jennifer Isham, president

Grandparents United for Children's Rights (GUCR)
137 Larkin Street
Madison, WI 53705
phone (608) 238-8751
Ethel Dunn, executive director

Stepfamily Association of America (SAA)
215 Centennial Mall South, Suite 212
Lincoln, Nebraska 68505
(402) 477-7837
1-800-735-0329
Kevin Ricker, president

CRC Chapters

Alabama
CRC of Alabama
P.O. Box 750
Montrose AL 36559
E.D. Wilson, coordinator
(205) 928-0464

Alaska
Alaska Dads and Moms
2225 Arctic Boulevard, Ste 303
Anchorage, Alaska 99503
(907) 274-7358
Gary Maxwell, state coordinator

Alaska Family Support Group
P.O. Box 111691
Anchorage, AK 99511-1691
(907) 344-7707
Jim Arnesen, president

California
CRC of California Sacramento Chapter
P.O. Box 60811
Sacramento, CA 95860
(916) 635-2590
Dorothy Parker, coordinator

CRC of California Solano Chapter
206 Arbor Street
Vacaville, CA 95688
(707) 451-4611
Robin DeRenzi, chair

Colorado
CRC of Colorado
P.O. Box 1203
Denver, CO 80201-1203
(303) 980-6903
Laurie Entrekin, state coordinator

Delaware
CRC of Delaware
P.O. Box 182
Bethel, DE 19931
(302) 875-7353
Bill Barrell, coordinator
(302) 734-8522
James Morning, president

Florida
CRC of Florida
395 Shore Drive
Ellenton, FL 34222
(813) 722-8688
Kris Kline, coordinator

CRC of Florida,
southern Florida chapter
113 W. Tara Lakes Drive
Boynton Beach, Florida 33436
(407) 395-5512
Piotr Blass, chair

Georgia
CRC of Georgia
P.O. Box 70486
Marietta, GA 30007-0486
(404) 928-7110
Sonny Burmeister, coordinator

Illinois
CRC of Illinois
P.O. Box 786
Pekin, IL 61555-0786
(309) 697-3235
Ann Danner, coordinator

Indiana
CRC of Indiana
2625 N. Meridian, Suite 202
Indianapolis, IN 46208
(317) 925-5433
David Dinn, coordinator

Iowa
CRC of Iowa
Fathers for Equal Rights, Inc
3623 Douglas Avenue
Des Moines, IA 50310
(515) 277-8789
Dick Woods, coordinator

Professionals Serving Custodial and Non-Custodial Parents
(515) 263-9511
Eric Borseth, J.D.

Kansas/Missouri
CRC of Kansas/Missouri
5516 Mission Road
Fairway, KS 66205-2721
(913) 831-0190
Roger Doeren, coordinator

Kentucky
CRC of Kentucky
1645 Robin Road
Owensboro, KY 42301
(502) 233-4127
Tracy Cox, coordinator

Maryland
CRC of Maryland
417 Pershing Drive
Silver Spring, MD 20910
(301) 588-0262
Harvey Walden, coordinator

Massachusetts
Sheila Sands, coordinator (413) 737-4900
Sue Parker (617) 323-6028, assistant coordinator

Concerned Fathers of Massachusetts, Inc.
P.O. Box 2768
Springfield, MA 01101-2768
George Kelly, president
(413) 736-7432

Michigan
CRC of Michigan
P.O. Box 416
Lawton, MI 49065-0416
(616) 247-5868
Heather Rowlison, coordinator

Minnesota
CRC of Minnesota
5905 Chateau Road N.W.
Rochester, MN 55901
(507) 289-6221
Bruce Kaskubar, coordinator

New Jersey
New Jersey Council for Children's Rights (NJCCR)
P.O. Box 316
Pluckemin, NJ 07978-0316
(201) 694-9323
Richard Martin, president

New York
CRC of New York
231 Main Street, Suite 1
Vestal, NY 13805
(607) 785-9338
Kim Boedecker-Frey, coordinator

North Carolina
CRC of North Carolina
823 Bristol Drive
Statesville, NC 28677
(704) 871-4334
Angie Lapish, coordinator

Ohio
CRC of Ohio
2745 Sagamore Road
Toledo, Ohio 43606
(419) 472-1471
Margaret Wuwert, coordinator

Pennsylvania
CRC of Pennsylvania
188 Seminole Avenue
Pittsburgh, PA 15237
(412) 364-6916
Kathryn Gibson, coordinator

Tennessee
CRC of Tennessee
5014 Charlotte Avenue
Nashville, TN 37209
(615) 952-2498
David Courson, coordinator

Texas
Children's Rights Coalition
P.O. Box 12961
Capitol Station
Austin, Texas 78711
(512) 499-8272
Eric Anderson, coordinator and nationwide chapter coordinator

Vermont
Vermonters for Strong Families
RR 1, Box 267A1
Heartland, VT 05048
(802) 436-3089
Fred Tubbs, coordinator

Virginia
CRC of Virginia, Tidewater chapter
P.O. Box 13465
Chesapeake, VA 23325
(804) 463-KIDS
Michael Ewing, president
Cindy Lewis Ewing, state coordinator

CRC of Virginia, Richmond chapter
8935 Patterson Avenue
Richmond, VA 23229
(804) 740-9889
Murray Steinberg, president

Fathers United for Equal Rights and Women's Coalition
P.O. Box 1323
Arlington, VA 22210-1323
(703) 451-8580
Paul Robinson, president

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Children's Rights Council

1994

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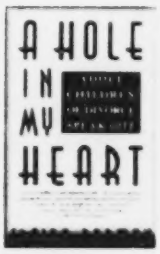
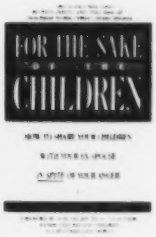
Some Special Additions *and* Some Books Currently Listed:





For The Sake Of The Children, by Kris Kline and Stephen Pew, Ph.D. Insights and advice on how parents can cooperate after divorce. **BKP-211 – 200 pg. HB $17.95** Kris Kline is the Florida coordinator for the Children's Rights Council.

The Parental Alienation Syndrome, by Richard A. Gardner, M.D. The PAS occurs when one parent denigrates the other parent, and gets the child to join in the denigration. Gardner, a national expert on the PAS, describes the disorder and recommends treatment. 1992 publishing of this material as a separate book for the first time. **BKA-803 – 348 pg. HB $30.00**

Surviving The Breakup, by Joan Berlin Kelly, Ph.D. and Judith S. Wallerstein, Ph.D. A longitudinal study of the effects of divorce on children. **BKP-210 – 340 pg. SB $14.00**

True And False Allegations Of Child Sexual Abuse, by Richard A. Gardner, M.D. Child sexual abuse cases are burgeoning. Gardner provides analysis, evaluated criteria and recommendations necessary to better differentiate between true and false allegations. His proposals could result in better resolution of cases. **BKA-807 – 748 pg. HB $45.00**

I Think Divorce Stinks, by Marcia Lebowitz. **BKA-104 – 16 pg. SB $4.95**
The Dynamics of Divorce, by Florence W. Kaslow, Ph.D. and Lita Linzer Schwartz, Ph.D. **BKP-207 – 329 pg. HB $35.00**
Divorce Busting, by Michele Weiner-Davis. **BKE-610 – 252 pg. SB $11.00**
Sudden Endings, by Madeline Bennett, **BKP-214 – 280 pg. $4.00**
The Joint Custody Handbook – Creating Arrangements That Work, by Miriam Galper Cohen. **BKE-610 – 203 pg. SB $10.95**
Divorce Book For Parents, by Vicki Lansky. **BKP-203 – 254 pg. HB $18.95, SB $4.50**
The Handbook of Divorce Mediation, by Lenard Marlow, J.D. and S. Richard Sauber, Ph.D. **BKE-604 – 506 pg. HB $65.00**
The Custody Revolution – The Father Factor And The Motherhood Mystique, by Richard A. Warshak, Ph.D. **BKE-607 – 272 pg. HB $21.00**
Fathers Rights – The Sourcebook For Dealing With The Child Support System, by Jon Conine. **BKF-406 – 220 pg. HB $17.95**
Mothers Without Custody, by Goeffrey Grief. **BKE-609 – 290 pg. SB $11.00**
Mom's House, Dad's House, by Isolina Ricci, Ph.D. **BKP-202 – 270 pg. SB $8.95**
Long Distance Parenting, by Miriam Galper Cohen. **BKP-213 – 193 pg. HB $17.95**
Parent vs. Parent, by Stephen P. Herman, M.D. **BKP-209 – 240 pg. HB $20.95**
Don't Blame Me, Daddy, by Dean Tong. **BKA-806 – 215 pg. SB $11.95**
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Notes